



February 8, 2007

HOUSE BILL No. 1007

DIGEST OF HB 1007 (Updated February 7, 2007 4:22 pm - DI 92)

Citations Affected: IC 4-13; IC 6-1.1; IC 6-3.5; IC 8-14; IC 8-16; IC 8-22; IC 12-19; IC 12-29; IC 13-18; IC 14-27; IC 16-22; IC 16-23; IC 36-1; IC 36-3; IC 36-5; IC 36-6; IC 36-7; IC 36-8; IC 36-9; IC 36-10; noncode.

Synopsis: Transfers authority to contract for certain services related to the administration of the property tax laws from the townships to the county. Requires a county assessor in a county that does not contain a consolidated city to verify the accuracy and completeness of a real estate sales disclosure form before the form is filed with the county auditor. Establishes a local government capital project property tax control board in each county for the purpose of approving proposed bond issues and lease rental agreements involving a political subdivision other than a school corporation. Permits a political subdivision to transfer money from one fund to another and use the money for the purposes of the fund to which the money is transferred. Eliminates the authority of a political subdivision other than a school corporation to bank unused property tax levy authority under the statutory maximum permissible levy limitations. Permits a county to impose an additional 1% county adjusted gross income tax rate or a county option income tax rate on individuals and corporations to provide property tax relief and additional revenue for the taxing units in the county. Permits the county in which an individual has the individual's principal place of employment or business to retain a portion of the tax. Requires the revenue that is not used for property tax relief to be used for public safety expenditures. Eliminates the authority of a city, town, or county to use economic development income taxes
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Effective: Upon passage; July 1, 2007; January 1, 2008.

Kuzman, Bauer

January 17, 2007, read first time and referred to Committee on Rules and Legislative Procedures.

January 30, 2007, reassigned to Committee on Ways and Means.

February 7, 2007, amended, reported — Do Pass.

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Digest Continued

for purposes other than the purposes expressly stated in the law. Freezes the amount of a county's obligation to provide funding for child services at an amount equal to the lesser of the county's contribution for 2005 or 2007. Requires the department of child services to provide any additional funding necessary to pay the costs of child services. Requires the budget agency to reimburse a county for child services expenditures in 2006 and 2007 that exceeded the county's contribution for child services in 2005. Permits a taxing unit to impose a local judicial mandate levy to pay capital, financing, and operating costs incurred to comply with a court order. Makes related changes. Repeals provisions requiring a county to obtain loans or issue bonds to cover shortfalls in the amount of money available to provide child services.

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February 8, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1007

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-13-2-20, AS AMENDED BY P.L.160-2006,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2008]: Sec. 20. (a) Except as otherwise provided in this
4 section, IC 12-17-19-19, **IC 12-19-7-35**, or IC 12-8-10-7, payment for
5 any services, supplies, materials, or equipment shall not be paid from
6 any fund or state money in advance of receipt of such services,
7 supplies, materials, or equipment by the state.
8 (b) With the prior approval of the budget agency, payment may be
9 made in advance for any of the following:
10 (1) War surplus property.
11 (2) Property purchased or leased from the United States
12 government or its agencies.
13 (3) Dues and subscriptions.
14 (4) License fees.
15 (5) Insurance premiums.
16 (6) Utility connection charges.
17 (7) Federal grant programs where advance funding is not

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1 prohibited and, except as provided in subsection (i), the
 2 contracting party posts sufficient security to cover the amount
 3 advanced.
 4 (8) Grants of state funds authorized by statute.
 5 (9) Employee expense vouchers.
 6 (10) Beneficiary payments to the administrator of a program of
 7 self-insurance.
 8 (11) Services, supplies, materials, or equipment to be received
 9 from an agency or from a body corporate and politic.
 10 (12) Expenses for the operation of offices that represent the state
 11 under contracts with the Indiana economic development
 12 corporation and that are located outside Indiana.
 13 (13) Services, supplies, materials, or equipment to be used for
 14 more than one (1) year under a discounted contractual
 15 arrangement funded through a designated leasing entity.
 16 (14) Maintenance of equipment and maintenance of software if
 17 there are appropriate contractual safeguards for refunds as
 18 determined by the budget agency.
 19 (15) Exhibits, artifacts, specimens, or other unique items of
 20 cultural or historical value or interest purchased by the state
 21 museum.

22 (c) Any state agency and any state college or university supported
 23 in whole or in part by state funds may make advance payments to its
 24 employees for duly accountable expenses exceeding ten dollars (\$10)
 25 incurred through travel approved by the employee's respective agency
 26 director in the case of a state agency and by a duly authorized person
 27 in the case of any such state college or university.

28 (d) The auditor of state may, with the approval of the budget agency
 29 and of the commissioner of the Indiana department of administration:
 30 (1) appoint a special disbursing officer for any state agency or
 31 group of agencies where it is necessary or expedient that a special
 32 record be kept of a particular class of disbursements or where
 33 disbursements are made from a special fund; and
 34 (2) approve advances to the special disbursing officer or officers
 35 from any available appropriation for the purpose.

36 (e) The auditor of state shall issue the auditor's warrant to the
 37 special disbursing officer to be disbursed by the disbursing officer as
 38 provided in this section. Special disbursing officers shall in no event
 39 make disbursements or payments for supplies or current operating
 40 expenses of any agency or for contractual services or equipment not
 41 purchased or contracted for in accordance with this chapter and
 42 IC 5-22. No special disbursing officer shall be appointed and no money

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1 shall be advanced until procedures covering the operations of special
 2 disbursing officers have been adopted by the Indiana department of
 3 administration and approved by the budget agency. These procedures
 4 must include the following provisions:

5 (1) Provisions establishing the authorized levels of special
 6 disbursing officer accounts and establishing the maximum
 7 amount which may be expended on a single purchase from special
 8 disbursing officer funds without prior approval.

9 (2) Provisions requiring that each time a special disbursing officer
 10 makes an accounting to the auditor of state of the expenditure of
 11 the advanced funds, the auditor of state shall request that the
 12 Indiana department of administration review the accounting for
 13 compliance with IC 5-22.

14 (3) A provision that, unless otherwise approved by the
 15 commissioner of the Indiana department of administration, the
 16 special disbursing officer must be the same individual as the
 17 procurements agent under IC 4-13-1.3-5.

18 (4) A provision that each disbursing officer be trained by the
 19 Indiana department of administration in the proper handling of
 20 money advanced to the officer under this section.

21 (f) The commissioner of the Indiana department of administration
 22 shall cite in a letter to the special disbursing officer the exact purpose
 23 or purposes for which the money advanced may be expended.

24 (g) A special disbursing officer may issue a check to a person
 25 without requiring a certification under IC 5-11-10-1 if the officer:

- 26 (1) is authorized to make the disbursement; and
 27 (2) complies with procedures adopted by the state board of
 28 accounts to govern the issuance of checks under this subsection.

29 (h) A special disbursing officer is not personally liable for a check
 30 issued under subsection (g) if:

- 31 (1) the officer complies with the procedures described in
 32 subsection (g); and
 33 (2) funds are appropriated and available to pay the warrant.

34 (i) For contracts entered into between the department of workforce
 35 development or the Indiana commission on vocational and technical
 36 education and:

- 37 (1) a school corporation (as defined in IC 20-18-2-16); or
 38 (2) a state educational institution (as defined in IC 20-12-0.5-1);

39 the contracting parties are not required to post security to cover the
 40 amount advanced.

41 SECTION 2. IC 6-1.1-4-17, AS AMENDED BY P.L.228-2005,
 42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JANUARY 1, 2008]: Sec. 17. (a) Subject to the approval of the
 2 department of local government finance and the requirements of
 3 section 18.5 of this chapter, a

4 (1) township assessor; or

5 (2) group consisting of the county assessor and the township
 6 assessors in a county;

7 may employ professional appraisers as technical advisors. A decision
 8 by one (1) or more assessors referred to in subdivisions (1) and (2) to
 9 not employ a professional appraiser as a technical advisor in a general
 10 reassessment is subject to approval by the department of local
 11 government finance.

12 (b) After notice to The county assessor and all township assessors
 13 in the county, a majority of the assessors authorized to vote under this
 14 subsection may vote to:

15 (1) employ a professional appraiser to act as a technical advisor
 16 in the county during a general reassessment period

17 (2) appoint an assessor or a group of assessors to:

18 (A) enter into and administer the contract with a professional
 19 appraiser employed under this section; and

20 (B) oversee the work of a professional appraiser employed
 21 under this section.

22 Each township assessor and the county assessor has one (1) vote. A
 23 decision by a majority of the persons authorized to vote is binding on
 24 the county assessor and all township assessors in the county. **or any**
 25 **other period.** Subject to the limitations in section 18.5 of this chapter,
 26 the **county assessor or assessors appointed under subdivision (2)** may
 27 contract with a professional appraiser employed under this section to
 28 supply technical advice during a general reassessment period for all
 29 **one (1) or more** townships in the county. A proportionate part of the
 30 appropriation to all townships **each township served under the**
 31 **contract** for assessing purposes shall be used to pay for the technical
 32 advice.

33 (c) As used in this chapter, "professional appraiser" means an
 34 individual or firm that is certified under IC 6-1.1-31.7.

35 SECTION 3. IC 6-1.1-4-18.5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 18.5. (a) A
 37 township assessor, a group of township assessors, or The county
 38 assessor may not use the services of a professional appraiser for
 39 assessment or reassessment purposes without a written contract. The
 40 contract used must be either a standard contract developed by the state
 41 board of tax commissioners (before the board was abolished) or the
 42 department of local government finance or a contract which has been

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1 specifically approved by the ~~board or the~~ department. The department
2 shall ensure that the contract:

3 (1) includes all of the provisions required under section 19.5(b)
4 of this chapter; and

5 (2) adequately provides for the creation and transmission of real
6 property assessment data in the form required by the legislative
7 services agency and the division of data analysis of the
8 department.

9 (b) No contract shall be made with any professional appraiser to act
10 as technical advisor in the assessment of property, before the giving of
11 notice and the receiving of bids from anyone desiring to furnish this
12 service. Notice of the time and place for receiving bids for the contract
13 shall be given by publication by one (1) insertion in two (2) newspapers
14 of general circulation published in the county and representing each of
15 the two (2) leading political parties in the county; or if only one (1)
16 newspaper is there published, notice in that one (1) newspaper is
17 sufficient to comply with the requirements of this subsection. The
18 contract shall be awarded to the lowest and best bidder who meets all
19 requirements under law for entering a contract to serve as technical
20 advisor in the assessment of property. However, any and all bids may
21 be rejected, and new bids may be asked.

22 (c) The county council of each county shall appropriate the funds
23 needed to meet the obligations created by a professional appraisal
24 services contract which is entered into under this chapter.

25 SECTION 4. IC 6-1.1-4-19.5 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 19.5. (a) The
27 department of local government finance shall develop a standard
28 contract or standard provisions for contracts to be used in securing
29 professional appraising services.

30 (b) The standard contract or contract provisions must contain:

31 (1) a fixed date by which the professional appraiser or appraisal
32 firm shall have completed all responsibilities under the contract;

33 (2) a penalty clause under which the amount to be paid for
34 appraisal services is decreased for failure to complete specified
35 services within the specified time;

36 (3) **subject to subsection (d)**, a provision requiring the appraiser,
37 or appraisal firm, to make periodic reports to:

38 (A) **the county assessor; and**

39 (B) **the township assessors involved; assessor of each**
40 **township served under the contract;**

41 (4) a provision stipulating the manner in which, and the time
42 intervals at which, the periodic reports referred to in subdivision

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- 1 (3) of this subsection are to be made;
- 2 (5) a precise stipulation of what service or services are to be
- 3 provided and what class or classes of property are to be appraised;
- 4 (6) a provision stipulating that the contractor will generate
- 5 complete parcel characteristics and parcel assessment data in a
- 6 manner and format acceptable to the legislative services agency
- 7 and the department of local government finance; and
- 8 (7) a provision stipulating that the legislative services agency and
- 9 the department of local government finance have unrestricted
- 10 access to the contractor's work product under the contract.

11 The department of local government finance may devise other
 12 necessary provisions for the contracts in order to give effect to the
 13 provisions of this chapter.

14 (c) In order to comply with the duties assigned to it by this section,
 15 the department of local government finance may develop:

- 16 (1) one (1) or more model contracts;
- 17 (2) one (1) contract with alternate provisions; or
- 18 (3) any combination of subdivisions (1) and (2).

19 The department may approve special contract language in order to meet
 20 any unusual situations.

21 **(d) The contract must require an appraiser or appraisal firm to**
 22 **make to a township assessor only the periodic reports relating to**
 23 **property in the township served by that township assessor.**

24 SECTION 5. IC 6-1.1-4-20 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 20. The
 26 department of local government finance may establish a period with
 27 respect to each general reassessment that is the only time during which
 28 a ~~township~~ or county assessor may enter into a contract with a
 29 professional appraiser. The period set by the department of local
 30 government finance may not begin before January 1 of the year the
 31 general reassessment begins. If no period is established by the
 32 department of local government finance, a ~~township~~ or county assessor
 33 may enter into such a contract only on or after January 1 and before
 34 April 16 of the year in which the general reassessment is to ~~commence~~.
 35 **begin.**

36 SECTION 6. IC 6-1.1-4-21 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 21. (a) If, during
 38 a period of general reassessment, a township assessor makes the real
 39 property appraisals, ~~himself~~, the appraisals of the parcels subject to
 40 taxation must be completed as follows:

- 41 (1) The appraisal of one-fourth (1/4) of the parcels shall be
- 42 completed before December 1 of the year in which the general

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- 1 reassessment begins.
- 2 (2) The appraisal of one-half (1/2) of the parcels shall be
- 3 completed before May 1 of the year following the year in which
- 4 the general reassessment begins.
- 5 (3) The appraisal of three-fourths (3/4) of the parcels shall be
- 6 completed before October 1 of the year following the year in
- 7 which the general reassessment begins.
- 8 (4) The appraisal of all the parcels shall be completed before
- 9 March 1 of the second year following the year in which the
- 10 general reassessment begins.

11 (b) **Subject to subsection (c)**, if a **township county** assessor
 12 employs a professional appraiser or a professional appraisal firm to
 13 make real property appraisals during a period of general reassessment,
 14 the professional appraiser or appraisal firm must file appraisal reports
 15 with the **county assessor and the township assessor of each township**
 16 **served under the contract** as follows:

- 17 (1) The appraisals for one-fourth (1/4) of the parcels shall be
- 18 reported before December 1 of the year in which the general
- 19 reassessment begins.
- 20 (2) The appraisals for one-half (1/2) of the parcels shall be
- 21 reported before May 1 of the year following the year in which the
- 22 general reassessment begins.
- 23 (3) The appraisals for three-fourths (3/4) of the parcels shall be
- 24 reported before October 1 of the year following the year in which
- 25 the general reassessment begins.
- 26 (4) The appraisals for all the parcels shall be reported before
- 27 March 1 of the second year following the year in which the
- 28 general reassessment begins.

29 However, the reporting requirements prescribed in this subsection do
 30 not apply if the contract under which the professional appraiser, or
 31 appraisal firm, is employed prescribes different reporting procedures.

32 (c) **A professional appraiser or appraisal firm must file with a**
 33 **township assessor under subsection (b) only the appraisal reports**
 34 **relating to property in the township served by that township**
 35 **assessor.**

36 SECTION 7. IC 6-1.1-4-31.5, AS ADDED BY P.L.228-2005,
 37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JANUARY 1, 2008]: Sec. 31.5. (a) As used in this section, "assessment
 39 official" means any of the following:

- 40 (1) A county assessor.
- 41 (2) A township assessor.
- 42 (3) A township trustee-assessor.

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1 (b) As used in this section, "department" refers to the department of
 2 local government finance.

3 (c) If the department makes a determination and informs local
 4 officials under section 31(c) of this chapter, the department may order
 5 a state conducted assessment or reassessment in the county subject to
 6 the time limitation in that subsection.

7 (d) If the department orders a state conducted assessment or
 8 reassessment in a county, the department shall assume the duties of the
 9 county's assessment officials. Notwithstanding sections 15 and 17 of
 10 this chapter, an assessment official in a county subject to an order
 11 issued under this section may not assess property or have property
 12 assessed for the assessment or general reassessment. Until the state
 13 conducted assessment or reassessment is completed under this section,
 14 the assessment or reassessment duties of an assessment official in the
 15 county are limited to providing the department or a contractor of the
 16 department the support and information requested by the department
 17 or the contractor.

18 (e) Before assuming the duties of a county's assessment officials, the
 19 department shall transmit a copy of the department's order requiring a
 20 state conducted assessment or reassessment to the county's assessment
 21 officials, the county fiscal body, the county auditor, and the county
 22 treasurer. Notice of the department's actions must be published one (1)
 23 time in a newspaper of general circulation published in the county. The
 24 department is not required to conduct a public hearing before taking
 25 action under this section.

26 (f) Township and county officials in a county subject to an order
 27 issued under this section shall, at the request of the department or the
 28 department's contractor, make available and provide access to all:

29 (1) data;
 30 (2) records;
 31 (3) maps;
 32 (4) parcel record cards;
 33 (5) forms;
 34 (6) computer software systems;
 35 (7) computer hardware systems; and
 36 (8) other information;

37 related to the assessment or reassessment of real property in the county.
 38 The information described in this subsection must be provided at no
 39 cost to the department or the contractor of the department. A failure to
 40 provide information requested under this subsection constitutes a
 41 failure to perform a duty related to an assessment or a general
 42 reassessment and is subject to IC 6-1.1-37-2.

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1 (g) The department may enter into a contract with a professional
2 appraising firm to conduct an assessment or reassessment under this
3 section. If a county ~~or a township located in the county~~ entered into a
4 contract with a professional appraising firm to conduct the county's
5 assessment or reassessment before the department orders a state
6 conducted assessment or reassessment in the county under this section,
7 the contract:

- 8 (1) is as valid as if it had been entered into by the department; and
- 9 (2) shall be treated as the contract of the department.

10 (h) After receiving the report of assessed values from the appraisal
11 firm acting under a contract described in subsection (g), the department
12 shall give notice to the taxpayer and the county assessor, by mail, of the
13 amount of the assessment or reassessment. The notice of assessment or
14 reassessment:

- 15 (1) is subject to appeal by the taxpayer under section 31.7 of this
16 chapter; and
- 17 (2) must include a statement of the taxpayer's rights under section
18 31.7 of this chapter.

19 (i) The department shall forward a bill for services provided under
20 a contract described in subsection (g) to the auditor of the county in
21 which the state conducted reassessment occurs. The county shall pay
22 the bill under the procedures prescribed by subsection (j).

23 (j) A county subject to an order issued under this section shall pay
24 the cost of a contract described in subsection (g), without
25 appropriation, from the county property reassessment fund. A
26 contractor may periodically submit bills for partial payment of work
27 performed under the contract. Notwithstanding any other law, a
28 contractor is entitled to payment under this subsection for work
29 performed under a contract if the contractor:

- 30 (1) submits to the department a fully itemized, certified bill in the
31 form required by IC 5-11-10-1 for the costs of the work performed
32 under the contract;
- 33 (2) obtains from the department:
 - 34 (A) approval of the form and amount of the bill; and
 - 35 (B) a certification that the billed goods and services have been
36 received and comply with the contract; and
- 37 (3) files with the county auditor:
 - 38 (A) a duplicate copy of the bill submitted to the department;
 - 39 (B) proof of the department's approval of the form and amount
40 of the bill; and
 - 41 (C) the department's certification that the billed goods and
42 services have been received and comply with the contract.

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1 The department's approval and certification of a bill under subdivision
 2 (2) shall be treated as conclusively resolving the merits of a contractor's
 3 claim. Upon receipt of the documentation described in subdivision (3),
 4 the county auditor shall immediately certify that the bill is true and
 5 correct without further audit, publish the claim as required by
 6 IC 36-2-6-3, and submit the claim to the county executive. The county
 7 executive shall allow the claim, in full, as approved by the department,
 8 without further examination of the merits of the claim in a regular or
 9 special session that is held not less than three (3) days and not more
 10 than seven (7) days after the completion of the publication
 11 requirements under IC 36-2-6-3. Upon allowance of the claim by the
 12 county executive, the county auditor shall immediately issue a warrant
 13 or check for the full amount of the claim approved by the department.
 14 Compliance with this subsection constitutes compliance with
 15 IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and
 16 payment of a claim in compliance with this subsection is not subject to
 17 remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply
 18 to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies
 19 to a fiscal officer who pays a claim in compliance with this subsection.

20 (k) Notwithstanding IC 4-13-2, a period of seven (7) days is
 21 permitted for each of the following to review and act under IC 4-13-2
 22 on a contract of the department entered into under this section:

- 23 (1) The commissioner of the Indiana department of
 24 administration.
- 25 (2) The director of the budget agency.
- 26 (3) The attorney general.

27 (l) If money in the county's property reassessment fund is
 28 insufficient to pay for an assessment or reassessment conducted under
 29 this section, the department may increase the tax rate and tax levy of
 30 the county's property reassessment fund to pay the cost and expenses
 31 related to the assessment or reassessment.

32 (m) The department or the contractor of the department shall use the
 33 land values determined under section 13.6 of this chapter for a county
 34 subject to an order issued under this section to the extent that the
 35 department or the contractor finds that the land values reflect the true
 36 tax value of land, as determined under this article and the rules of the
 37 department. If the department or the contractor finds that the land
 38 values determined for the county under section 13.6 of this chapter do
 39 not reflect the true tax value of land, the department or the contractor
 40 shall determine land values for the county that reflect the true tax value
 41 of land, as determined under this article and the rules of the
 42 department. Land values determined under this subsection shall be

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1 used to the same extent as if the land values had been determined under
2 section 13.6 of this chapter. The department or the contractor of the
3 department shall notify the county's assessment officials of the land
4 values determined under this subsection.

5 (n) A contractor of the department may notify the department if:

6 (1) a county auditor fails to:

7 (A) certify the contractor's bill;

8 (B) publish the contractor's claim;

9 (C) submit the contractor's claim to the county executive; or

10 (D) issue a warrant or check for payment of the contractor's
11 bill;

12 as required by subsection (j) at the county auditor's first legal
13 opportunity to do so;

14 (2) a county executive fails to allow the contractor's claim as
15 legally required by subsection (j) at the county executive's first
16 legal opportunity to do so; or

17 (3) a person or an entity authorized to act on behalf of the county
18 takes or fails to take an action, including failure to request an
19 appropriation, and that action or failure to act delays or halts
20 progress under this section for payment of the contractor's bill.

21 (o) The department, upon receiving notice under subsection (n)
22 from a contractor of the department, shall:

23 (1) verify the accuracy of the contractor's assertion in the notice
24 that:

25 (A) a failure occurred as described in subsection (n)(1) or
26 (n)(2); or

27 (B) a person or an entity acted or failed to act as described in
28 subsection (n)(3); and

29 (2) provide to the treasurer of state the department's approval
30 under subsection (j)(2)(A) of the contractor's bill with respect to
31 which the contractor gave notice under subsection (n).

32 (p) Upon receipt of the department's approval of a contractor's bill
33 under subsection (o), the treasurer of state shall pay the contractor the
34 amount of the bill approved by the department from money in the
35 possession of the state that would otherwise be available for
36 distribution to the county, including distributions from the property tax
37 replacement fund or distribution of admissions taxes or wagering taxes.

38 (q) The treasurer of state shall withhold from the money that would
39 be distributed under IC 4-33-12-6, IC 4-33-13-5, IC 6-1.1-21-4(b), or
40 any other law to a county described in a notice provided under
41 subsection (n) the amount of a payment made by the treasurer of state
42 to the contractor of the department under subsection (p). Money shall

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1 be withheld first from the money payable to the county under
2 IC 6-1.1-21-4(b) and then from all other sources payable to the county.

3 (r) Compliance with subsections (n) through (q) constitutes
4 compliance with IC 5-11-10.

5 (s) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to
6 the payment made in compliance with subsections (n) through (q). This
7 subsection and subsections (n) through (q) must be interpreted liberally
8 so that the state shall, to the extent legally valid, ensure that the
9 contractual obligations of a county subject to this section are paid.
10 Nothing in this section shall be construed to create a debt of the state.

11 (t) The provisions of this section are severable as provided in
12 IC 1-1-1-8(b).

13 SECTION 8. IC 6-1.1-5.5-3, AS AMENDED BY P.L.228-2005,
14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2007]: Sec. 3. (a) For purposes of this section, "party"
16 includes:

- 17 (1) a seller of property that is exempt under the seller's ownership;
- 18 or
- 19 (2) a purchaser of property that is exempt under the purchaser's
- 20 ownership;

21 from property taxes under IC 6-1.1-10.

22 (b) Before filing a conveyance document with the county auditor
23 under IC 6-1.1-5-4, all the parties to the conveyance must complete and
24 sign a sales disclosure form as prescribed by the department of local
25 government finance under section 5 of this chapter. All the parties may
26 sign one (1) form, or if all the parties do not agree on the information
27 to be included on the completed form, each party may sign and file a
28 separate form. **Subject to subsection (c), the form must be filed with
29 the county auditor along with the conveyance document.**

30 (c) **Before a completed and signed sales disclosure form is filed
31 with the county auditor under subsection (b) in a county other than
32 a county containing a consolidated city, the form must be reviewed
33 and accepted by the county assessor for completeness and accuracy
34 of the information described in section 5(a) of this chapter. The
35 county assessor may verify acceptance by a stamp on the form
36 presented to the county auditor. The department of local
37 government finance may prescribe other methods to reflect the
38 county assessor's review and acceptance.**

39 (d) Except as provided in subsection (d); (e), the auditor shall
40 forward each sales disclosure form to the county assessor. The county
41 assessor shall retain the forms for five (5) years. The county assessor
42 shall forward the sales disclosure form data to the department of local

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- 1 government finance and the legislative services agency:
- 2 (1) before January 1, 2005, in an electronic format, if possible;
- 3 and
- 4 (2) after December 31, 2004, in an electronic format specified
- 5 jointly by the department of local government finance and the
- 6 legislative services agency.

7 The county assessor shall forward a copy of the sales disclosure forms
 8 to the township assessors in the county. The forms may be used by the
 9 county assessing officials, the department of local government finance,
 10 and the legislative services agency for the purposes established in
 11 IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules
 12 under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized
 13 purpose.

14 ~~(d)~~ (e) In a county containing a consolidated city, the auditor shall
 15 forward the sales disclosure form to the appropriate township assessor.
 16 The township assessor shall forward the sales disclosure form to the
 17 department of local government finance and the legislative services
 18 agency:

- 19 (1) before January 1, 2005, in an electronic format, if possible;
- 20 and
- 21 (2) after December 31, 2004, in an electronic format specified
- 22 jointly by the department of local government finance and the
- 23 legislative services agency.

24 The forms may be used by the county assessing officials, the
 25 department of local government finance, and the legislative services
 26 agency for the purposes established in IC 6-1.1-4-13.6, sales ratio
 27 studies, equalization, adoption of rules under IC 6-1.1-31-3 and
 28 IC 6-1.1-31-6, and any other authorized purpose.

29 ~~(e)~~ (f) If a sales disclosure form includes the telephone number or
 30 Social Security number of a party, the telephone number or Social
 31 Security number is confidential.

32 SECTION 9. IC 6-1.1-5.5-6, AS AMENDED BY P.L.154-2006,
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2007]: Sec. 6. (a) The county auditor may not accept a
 35 conveyance document if:

- 36 (1) the sales disclosure form signed by all the parties and attested
- 37 as required under section 9 of this chapter is not included with the
- 38 document; or
- 39 (2) **in a county other than a county containing a consolidated**
- 40 **city, the sales disclosure form does not contain verification that**
- 41 **the county assessor reviewed and accepted the form for**
- 42 **completeness and accuracy of the information described in**

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1 section 5(a) of this chapter.
 2 (b) The county recorder shall not record a conveyance document
 3 without evidence that the parties have filed a completed sales
 4 disclosure form with the county auditor.
 5 SECTION 10. IC 6-1.1-17.5 IS ADDED TO THE INDIANA CODE
 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]:
 8 **Chapter 17.5. Local Government Capital Project Property Tax**
 9 **Control Boards**
 10 **Sec. 1. This chapter applies only to property taxes imposed by**
 11 **a civil taxing unit.**
 12 **Sec. 2. The definitions in IC 36-1-2 apply throughout this**
 13 **chapter.**
 14 **Sec. 3. As used in this chapter, "civil taxing unit" has the**
 15 **meaning set forth in IC 6-1.1-18.5-1.**
 16 **Sec. 4. As used in this chapter, "control board" means a local**
 17 **government capital project property tax control board established**
 18 **under section 8 of this chapter.**
 19 **Sec. 5. As used in this chapter, "debt service" means principal**
 20 **of and interest on the following:**
 21 (1) Bonds (as defined in IC 6-1.1-20-1).
 22 (2) Bonds that are subject to review by the control board
 23 under IC 6-1.1-20-5.
 24 **Sec. 6. As used in this chapter, "lease rentals" means payments**
 25 **required under a lease (as defined in IC 6-1.1-20-1.3) with an**
 26 **original term of at least five (5) years.**
 27 **Sec. 7. As used in this chapter, "property taxes" means a**
 28 **property tax rate or levy to pay debt service or to pay lease rentals.**
 29 **The term does not include taxes allocated for an allocation area**
 30 **under IC 6-1.1-39-5, IC 8-22-3.5-9, IC 36-7-14-39, IC 36-7-15.1-26,**
 31 **or IC 36-7-15.1-53.**
 32 **Sec. 8. (a) A local government capital project property tax**
 33 **control board is established in each county.**
 34 **(b) The control board consists of the following nine (9)**
 35 **members:**
 36 (1) One (1) member appointed by the county executive.
 37 (2) One (1) member appointed by the county fiscal body.
 38 (3) One (1) member appointed by the executive of the largest
 39 municipality in the county.
 40 (4) One (1) member appointed by the fiscal body of the largest
 41 municipality in the county.
 42 (5) One (1) member appointed jointly by the executives of all

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- other municipalities in the county.
- (6) One (1) member appointed jointly by the fiscal bodies of all other municipalities in the county.
- (7) The county fiscal officer.
- (8) The fiscal officer of the largest municipality in the county.
- (9) One (1) member, appointed jointly by the fiscal officers of all other municipalities, who must be a fiscal officer of a municipality in the county.

Sec. 9. (a) The members of the control board shall be appointed before March 1 of each year. The appointment of a member continues in effect until March 1 of the following year.

(b) A vacancy occurring on the control board shall be filled in the same manner as provided for the initial appointment.

Sec. 10. (a) The members of the control board shall, at their first meeting after March 1 of a year, elect from the membership a chairperson, vice-chairperson, and secretary.

(b) Meetings of the control board are subject to IC 5-14-1.5.

Sec. 11. Before a civil taxing unit may impose property taxes to pay debt service or lease rentals, the civil taxing unit must obtain the approval of the control board where the civil taxing unit is located. If the civil taxing unit is located in more than one (1) county, the civil taxing unit must obtain the approval of the control board of each county.

Sec. 12. A civil taxing unit initiates review of proposed property taxes by filing a petition with the control board in the form. The petition must be filed in the manner specified by the department of local government finance.

Sec. 13. (a) The control board shall review each proposal filed under section 12 of this chapter.

(b) The control board shall take action on a petition filed under section 12 of this chapter not later than sixty (60) days after receiving the petition.

(c) After its review, the control board shall adopt a resolution:

- (1) approving;**
- (2) approving with modifications; or**
- (3) disapproving;**

the proposed imposition of property taxes.

SECTION 11. IC 6-1.1-18-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) This section does not permit the transfer or use of money distributed to a political subdivision under:

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- 1 **(1) IC 6-3.5-1.1-24(e)(2) for a purpose other than the purposes**
- 2 **described in IC 6-3.5-1.1-24(g); or**
- 3 **(2) IC 6-3.5-6-30(e)(2) for a purpose other than the purposes**
- 4 **described in IC 6-3.5-1.1-30(g).**

5 **(b) The proper officers of a political subdivision may transfer**
 6 **money from one (1) of the political subdivision's funds to another**
 7 **fund of the political subdivision after the adoption of an ordinance**
 8 **or resolution specifying the:**

- 9 **(1) amount of the transfer;**
- 10 **(2) funds involved;**
- 11 **(3) date of the transfer; and**
- 12 **(4) general purpose of the transfer.**

13 **(c) The political subdivision shall publish a notice of a transfer**
 14 **made under this section one (1) time in conformity with IC 5-3-1.**

15 **(d) The amount transferred is available for use after an**
 16 **appropriation of the funds in conformity with section 5 of this**
 17 **chapter.**

18 SECTION 12. IC 6-1.1-18.5-1, AS AMENDED BY P.L.154-2006,
 19 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2007]: Sec. 1. As used in this chapter:

21 "Ad valorem property tax levy for an ensuing calendar year" means
 22 the total property taxes imposed by a civil taxing unit for current
 23 property taxes collectible in that ensuing calendar year.

24 "Adopting county" means any county in which the county adjusted
 25 gross income tax is in effect.

26 "Civil taxing unit" means any taxing unit except a school
 27 corporation.

28 "Maximum permissible ad valorem property tax levy for the
 29 preceding calendar year" means the greater of:

- 30 (1) the remainder of:
 - 31 (A) the civil taxing unit's maximum permissible ad valorem
 - 32 property tax levy for the calendar year immediately preceding
 - 33 the ensuing calendar year, as that levy was determined under
 - 34 section 3 of this chapter; minus
 - 35 (B) one-half (1/2) of the remainder of:
 - 36 (i) the civil taxing unit's maximum permissible ad valorem
 - 37 property tax levy referred to in clause (A); minus
 - 38 (ii) the civil taxing unit's ad valorem property tax levy for
 - 39 the calendar year immediately preceding the ensuing
 - 40 calendar year referred to in subdivision (2); or
 - 41 (2) the civil taxing unit's ad valorem property tax levy for the
 - 42 calendar year immediately preceding the ensuing calendar year,

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1 as that levy was determined by the department of local
2 government finance in fixing the civil taxing unit's budget, levy,
3 and rate for that preceding calendar year under IC 6-1.1-17, and
4 after eliminating the effects of temporary excessive levy appeals
5 and temporary adjustments made to the working maximum levy
6 for the calendar year immediately preceding the ensuing calendar
7 year, as determined by the department of local government
8 finance.

9 "Taxable property" means all tangible property that is subject to the
10 tax imposed by this article and is not exempt from the tax under
11 IC 6-1.1-10 or any other law. For purposes of sections 2 and 3 of this
12 chapter, the term "taxable property" is further defined in section 6 of
13 this chapter.

14 "Unadjusted assessed value" means the assessed value of a civil
15 taxing unit as determined by local assessing officials and the
16 department of local government finance in a particular calendar year
17 before the application of an annual adjustment under IC 6-1.1-4-4.5 for
18 that particular calendar year or any calendar year since the last general
19 reassessment preceding the particular calendar year.

20 SECTION 13. IC 6-1.1-18.5-8 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The ad
22 valorem property tax levy limits imposed by section 3 of this chapter
23 do not apply to ad valorem property taxes imposed by a civil taxing
24 unit if the civil taxing unit is committed to levy the taxes to pay or fund
25 either:

- 26 (1) bonded indebtedness; or
- 27 (2) lease rentals under a lease with an original term of at least five
- 28 (5) years.

29 (b) A civil taxing unit must file a petition requesting approval from
30 the ~~department of local government finance~~ **local government capital**
31 **project property tax control board under IC 6-1.1-17.5** to incur
32 bonded indebtedness or execute a lease with an original term of at least
33 five (5) years not later than twenty-four (24) months after the first date
34 of publication of notice of a preliminary determination under:

- 35 (1) IC 6-1.1-20-3.1(2); or
- 36 (2) **IC 6-1.1-20-5;**

37 unless the civil taxing unit demonstrates that a longer period is
38 reasonable in light of the civil taxing unit's facts and circumstances. A
39 civil taxing unit must obtain approval from the ~~department of local~~
40 **government finance local government capital projects property tax**
41 **control board** before the civil taxing unit may:

- 42 (1) incur the bonded indebtedness; or

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(2) enter into the lease.
The department of local government finance may seek recommendations from the local government tax control board established by section 11 of this chapter when determining whether to authorize incurring the bonded indebtedness or the execution of the lease.

(c) The department of local government finance shall render a decision within three (3) months after the date it receives a request for approval under subsection (b). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the civil taxing unit. A civil taxing unit may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) (c) A civil taxing unit does not need approval under subsection (b) to obtain temporary loans made in anticipation of and to be paid from current revenues of the civil taxing unit actually levied and in the course of collection for the fiscal year in which the loans are made.

(e) (d) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a calendar year does not include that part of its levy that is committed to fund or pay bond indebtedness or lease rentals with an original term of five (5) years in subsection (a).

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

SECTION 14. IC 6-1.1-18.5-9.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9.7. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed under any of the following:

- (1) IC 12-16, except IC 12-16-1.
 - (2) IC 12-19-5.
 - (3) IC 12-19-7.
 - (4) IC 12-19-7.5.
 - (5) IC 12-20-24.
 - (6) IC 36-1-18.**
- (b) For purposes of computing the ad valorem property tax levy

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1 limits imposed under section 3 of this chapter, a county's or township's
2 ad valorem property tax levy for a particular calendar year does not
3 include that part of the levy imposed under the citations listed in
4 subsection (a).

5 (c) Section 8(b) of this chapter does not apply to bonded
6 indebtedness that will be repaid through property taxes imposed under
7 ~~IC 12-19~~ IC 12-19-5 or IC 12-19-7.5.

8 SECTION 15. IC 6-1.1-20-3.2, AS AMENDED BY P.L.2-2006,
9 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 3.2. If a sufficient petition requesting the
11 application of a petition and remonstrance process has been filed as set
12 forth in section 3.1 of this chapter, a political subdivision may not
13 impose property taxes to pay debt service or lease rentals without
14 completing the following procedures:

15 (1) The proper officers of the political subdivision shall give
16 notice of the applicability of the petition and remonstrance
17 process by:

- 18 (A) publication in accordance with IC 5-3-1; and
- 19 (B) first class mail to the organizations described in section
20 3.1(1)(B) of this chapter.

21 A notice under this subdivision must include a statement that any
22 owners of real property within the political subdivision who want
23 to petition in favor of or remonstrate against the proposed debt
24 service or lease payments must file petitions and remonstrances
25 in compliance with subdivisions (2) through (4) not earlier than
26 thirty (30) days or later than sixty (60) days after publication in
27 accordance with IC 5-3-1.

28 (2) Not earlier than thirty (30) days or later than sixty (60) days
29 after the notice under subdivision (1) is given:

- 30 (A) petitions (described in subdivision (3)) in favor of the
31 bonds or lease; and
- 32 (B) remonstrances (described in subdivision (3)) against the
33 bonds or lease;

34 may be filed by an owner or owners of real property within the
35 political subdivision. Each signature on a petition must be dated
36 and the date of signature may not be before the date on which the
37 petition and remonstrance forms may be issued under subdivision

38 (3). A petition described in clause (A) or a remonstrance
39 described in clause (B) must be verified in compliance with
40 subdivision (4) before the petition or remonstrance is filed with
41 the county auditor under subdivision (4).

42 (3) The state board of accounts shall design and, upon request by

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1 the county auditor, deliver to the county auditor or the county
2 auditor's designated printer the petition and remonstrance forms
3 to be used solely in the petition and remonstrance process
4 described in this section. The county auditor shall issue to an
5 owner or owners of real property within the political subdivision
6 the number of petition or remonstrance forms requested by the
7 owner or owners. Each form must be accompanied by instructions
8 detailing the requirements that:

- 9 (A) the carrier and signers must be owners of real property;
- 10 (B) the carrier must be a signatory on at least one (1) petition;
- 11 (C) after the signatures have been collected, the carrier must
12 swear or affirm before a notary public that the carrier
13 witnessed each signature;
- 14 (D) govern the closing date for the petition and remonstrance
15 period; and
- 16 (E) apply to the carrier under section 10 of this chapter.

17 Persons requesting forms may not be required to identify
18 themselves and may be allowed to pick up additional copies to
19 distribute to other property owners. The county auditor may not
20 issue a petition or remonstrance form earlier than twenty-nine
21 (29) days after the notice is given under subdivision (1). The
22 county auditor shall certify the date of issuance on each petition
23 or remonstrance form that is distributed under this subdivision.

24 (4) The petitions and remonstrances must be verified in the
25 manner prescribed by the state board of accounts and filed with
26 the county auditor within the sixty (60) day period described in
27 subdivision (2) in the manner set forth in section 3.1 of this
28 chapter relating to requests for a petition and remonstrance
29 process.

30 (5) The county auditor must file a certificate and the petition or
31 remonstrance with the body of the political subdivision charged
32 with issuing bonds or entering into leases within fifteen (15)
33 business days of the filing of a petition or remonstrance under
34 subdivision (4), whichever applies, containing ten thousand
35 (10,000) signatures or less. The county auditor may take an
36 additional five (5) days to review and certify the petition or
37 remonstrance for each additional five thousand (5,000) signatures
38 up to a maximum of sixty (60) days. The certificate must state the
39 number of petitioners and remonstrators that are owners of real
40 property within the political subdivision.

41 (6) If a greater number of owners of real property within the
42 political subdivision sign a remonstrance than the number that

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1 signed a petition, the bonds petitioned for may not be issued or
2 the lease petitioned for may not be entered into. The proper
3 officers of the political subdivision may not make a preliminary
4 determination to issue bonds or enter into a lease for the
5 controlled project defeated by the petition and remonstrance
6 process under this section or any other controlled project that is
7 not substantially different within one (1) year after the date of the
8 county auditor's certificate under subdivision (5). Withdrawal of
9 a petition carries the same consequences as a defeat of the
10 petition.

11 (7) After a political subdivision has gone through the petition and
12 remonstrance process set forth in this section, the political
13 subdivision is not required to follow any other remonstrance or
14 objection procedures under any other law (including section 5 of
15 this chapter) relating to bonds or leases designed to protect
16 owners of real property within the political subdivision from the
17 imposition of property taxes to pay debt service or lease rentals.
18 However, the political subdivision must still receive the approval
19 of the: ~~department of local government finance~~ required by:

20 (A) **local government capital project property tax control**
21 **board for the county in which a civil taxing unit is located**
22 **as required by IC 6-1.1-18.5-8;** or

23 (B) **department of local government finance required by**
24 **IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.**

25 SECTION 16. IC 6-1.1-20-5 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) When the
27 proper officers of a political subdivision decide to issue bonds in a total
28 amount which exceeds five thousand dollars (\$5,000), they shall give
29 notice of the decision by:

- 30 (1) posting; and
- 31 (2) publication once each week for two (2) weeks.

32 The notice required by this section shall be posted in three (3) public
33 places in the political subdivision and published in accordance with
34 IC 5-3-1-4. The decision to issue bonds may be a preliminary decision.

35 (b) Ten (10) or more taxpayers who will be affected by the proposed
36 issuance of the bonds and who wish to object to the issuance on the
37 grounds that it is unnecessary or excessive may file a petition in the
38 office of the auditor of the county in which the political subdivision is
39 located. The petition must be filed within fifteen (15) days after the
40 notice required by subsection (a) is given, and it must contain the
41 objections of the taxpayers and facts which show that the proposed
42 issue is unnecessary or excessive. When taxpayers file a petition in the

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1 manner prescribed in this subsection, the county auditor shall
 2 immediately forward a certified copy of the petition and any other
 3 relevant information to the:

4 **(1) local government capital project property tax control**
 5 **board in which the political subdivision is located, if the**
 6 **political subdivision is a civil taxing unit; and**

7 **(2) department of local government finance, if the political**
 8 **subdivision is a school corporation.**

9 SECTION 17. IC 6-1.1-20-5.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. Upon receipt of a**
 12 **certified petition filed in the manner prescribed in section 5(b)(1)**
 13 **of this chapter, the local government capital project property tax**
 14 **control board shall fix a time and place for a hearing on the**
 15 **matter. The local government capital project property tax control**
 16 **board shall hold the hearing not less than five (5) or more than**
 17 **twenty (20) days after the board receives the petition, and the**
 18 **board shall hold the hearing in the political subdivision or in the**
 19 **county where the political subdivision is located. At least five (5)**
 20 **days before the date fixed for the hearing, the board shall give**
 21 **notice of the hearing, by mail, to the executive officer of the**
 22 **political subdivision and to the first ten (10) taxpayers who signed**
 23 **the petition. The mailings shall be addressed to the officer and the**
 24 **taxpayers at their usual place of residence.**

25 SECTION 18. IC 6-1.1-20-6 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Upon receipt
 27 of a certified petition filed in the manner prescribed in section ~~5(b)~~
 28 **5(b)(2)** of this chapter, the department of local government finance
 29 shall fix a time and place for a hearing on the matter. The department
 30 of local government finance shall hold the hearing not less than five (5)
 31 or more than thirty (30) days after the department receives the petition,
 32 and the department shall hold the hearing in the ~~political subdivision~~
 33 **school corporation** or in the county where the ~~political subdivision~~
 34 **school corporation** is located. At least five (5) days before the date
 35 fixed for the hearing, the department of local government finance shall
 36 give notice of the hearing, by mail, to the executive officer of the
 37 ~~political subdivision~~ **school corporation** and to the first ten (10)
 38 taxpayers who signed the petition. The mailings shall be addressed to
 39 the officer and the taxpayers at their usual place of residence.

40 (b) After the hearing required by this section, the department of
 41 local government finance may approve, disapprove, or reduce the
 42 amount of the proposed issue. The department of local government

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1 finance must render a decision not later than three (3) months after the
 2 hearing, and if no decision is rendered within that time, the issue is
 3 considered approved unless the department takes the extension
 4 provided for in this section. A three (3) month extension of the time
 5 period during which the decision must be rendered may be taken by the
 6 department of local government finance if the department by mail gives
 7 notice of the extension to the executive officer of the ~~political~~
 8 **subdivision school corporation** and to the first ten (10) taxpayers who
 9 signed the petition, at least ten (10) days before the end of the original
 10 three (3) month period. If no decision is rendered within the extension
 11 period, the issue is considered approved.

12 (c) A:

- 13 (1) taxpayer who signed a petition referred to in subsection (a); or
- 14 (2) ~~political subdivision~~ **school corporation** against which a
- 15 petition referred to in subsection (a) is filed;

16 may petition for judicial review of the final determination of the
 17 department of local government finance under subsection (b). The
 18 petition must be filed in the tax court not more than forty-five (45) days
 19 after the department renders its decision under subsection (b).

20 SECTION 19. IC 6-1.1-20-9 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) When the
 22 proper officers of a ~~political subdivision~~ **school corporation** decide to
 23 issue bonds payable from property taxes to finance a public
 24 improvement, they shall adopt an ordinance or resolution which sets
 25 forth their determination to issue the bonds. Except as provided in
 26 subsection (b), the ~~political subdivision~~ **school corporation** may not
 27 advertise for or receive bids for the construction of the improvement
 28 until the expiration of the latter of:

- 29 (1) the time period within which taxpayers may file a petition for
- 30 review of or a remonstrance against the proposed issue; or
- 31 (2) the time period during which a petition for review of the
- 32 proposed issue is pending before the department of local
- 33 government finance.

34 (b) When a petition for review of a proposed issue is pending before
 35 the department of local government finance, the department may order
 36 the ~~political subdivision~~ **school corporation** to advertise for and
 37 receive bids for the construction of the public improvement. When the
 38 department of local government finance issues such an order, the
 39 ~~political subdivision~~ **school corporation** shall file a bid report with the
 40 department within five (5) days after the bids are received, and the
 41 department shall render a final decision on the proposed issue within
 42 fifteen (15) days after it receives the bid report. Notwithstanding the

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1 provisions of this subsection, a ~~political subdivision~~ **school**
 2 **corporation** may not enter into a contract for the construction of a
 3 public improvement while a petition for review of the bond issue which
 4 is to finance the improvement is pending before the department of local
 5 government finance.

6 SECTION 20. IC 6-1.1-21-2, AS AMENDED BY P.L.67-2006,
 7 SECTION 4, AND AS AMENDED BY P.L.2-2006, SECTION 57, IS
 8 CORRECTED AND AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JANUARY 1, 2008]: Sec. 2. As used in this chapter:

10 (a) "Taxpayer" means a person who is liable for taxes on property
 11 assessed under this article.

12 (b) "Taxes" means property taxes payable in respect to property
 13 assessed under this article. The term does not include special
 14 assessments, penalties, or interest, but does include any special charges
 15 which a county treasurer combines with all other taxes in the
 16 preparation and delivery of the tax statements required under
 17 IC 6-1.1-22-8(a).

18 (c) "Department" means the department of state revenue.

19 (d) "Auditor's abstract" means the annual report prepared by each
 20 county auditor which under IC 6-1.1-22-5 is to be filed *on or before*
 21 *March 1 of* each year with the auditor of state.

22 (e) "Mobile home assessments" means the assessments of mobile
 23 homes made under IC 6-1.1-7.

24 (f) "Postabstract adjustments" means adjustments in taxes made
 25 subsequent to the filing of an auditor's abstract which change
 26 assessments therein or add assessments of omitted property affecting
 27 taxes for such assessment year.

28 (g) "Total county tax levy" means the sum of:

29 (1) the remainder of:

30 (A) the aggregate levy of all taxes for all taxing units in a
 31 county which are to be paid in the county for a stated
 32 assessment year as reflected by the auditor's abstract for the
 33 assessment year, adjusted, however, for any postabstract
 34 adjustments which change the amount of the aggregate levy;
 35 minus

36 (B) the sum of any increases in property tax levies of taxing
 37 units of the county that result from appeals described in:

38 (i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after
 39 December 31, 1982; plus

40 (ii) the sum of any increases in property tax levies of taxing
 41 units of the county that result from any other appeals
 42 described in IC 6-1.1-18.5-13 filed after December 31,

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- 1 1983; plus
- 2 (iii) IC 6-1.1-18.6-3 (children in need of services and
- 3 delinquent children who are wards of the county) (*before its*
- 4 *repeal*); minus
- 5 (C) the total amount of property taxes imposed for the stated
- 6 assessment year by the taxing units of the county under the
- 7 authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed),
- 8 IC 12-19-5, or IC 12-20-24; minus
- 9 (D) the total amount of property taxes to be paid during the
- 10 stated assessment year that will be used to pay for interest or
- 11 principal due on debt that:
- 12 (i) is entered into after December 31, 1983;
- 13 (ii) is not debt that is issued under IC 5-1-5 to refund debt
- 14 incurred before January 1, 1984; and
- 15 (iii) does not constitute debt entered into for the purpose of
- 16 building, repairing, or altering school buildings for which
- 17 the requirements of IC 20-5-52 (repealed) were satisfied
- 18 prior to January 1, 1984; minus
- 19 (E) the amount of property taxes imposed in the county for the
- 20 stated assessment year under the authority of IC 21-2-6
- 21 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a
- 22 cumulative building fund whose property tax rate was initially
- 23 established or reestablished for a stated assessment year that
- 24 succeeds the 1983 stated assessment year; minus
- 25 (F) the remainder of:
- 26 (i) the total property taxes imposed in the county for the
- 27 stated assessment year under authority of IC 21-2-6
- 28 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a
- 29 cumulative building fund whose property tax rate was not
- 30 initially established or reestablished for a stated assessment
- 31 year that succeeds the 1983 stated assessment year; minus
- 32 (ii) the total property taxes imposed in the county for the
- 33 1984 stated assessment year under the authority of IC 21-2-6
- 34 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a
- 35 cumulative building fund whose property tax rate was not
- 36 initially established or reestablished for a stated assessment
- 37 year that succeeds the 1983 stated assessment year; minus
- 38 (G) the amount of property taxes imposed in the county for the
- 39 stated assessment year under:
- 40 (i) IC 21-2-15 (*before its repeal*) or IC 20-46-6 for a capital
- 41 projects fund; plus
- 42 (ii) IC 6-1.1-19-10 (*before its repeal*) or IC 20-46-3 for a

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- 1 racial balance fund; plus
 2 (iii) IC 36-12-12 for a library capital projects fund; plus
 3 (iv) IC 36-10-13-7 for an art association fund; plus
 4 (v) IC 21-2-17 (*before its repeal*) or IC 20-46-2 for a special
 5 education preschool fund; plus
 6 (vi) IC 21-2-11.6 (*before its repeal*) or IC 20-46-1 for a
 7 referendum tax levy fund; plus
 8 (vii) an appeal filed under IC 6-1.1-19-5.1 (*before its repeal*)
 9 or IC 20-45-6-8 for an increase in a school corporation's
 10 maximum permissible ~~general fund~~ tuition support levy for
 11 certain transfer tuition costs; plus
 12 (viii) an appeal filed under IC 6-1.1-19-5.4 (*before its*
 13 *repeal*) or IC 20-46-4-10 for an increase in a school
 14 corporation's maximum permissible ~~general~~ transportation
 15 fund levy for transportation operating costs; minus
 16 (H) the amount of property taxes imposed by a school
 17 corporation that is attributable to the passage, after 1983, of a
 18 referendum for an excessive tax levy under ~~IC 6-1.1-19~~
 19 ~~IC 6-1.1-19-4.5~~ (*before its repeal*), including any increases in
 20 these property taxes that are attributable to the adjustment set
 21 forth in IC 6-1.1-19-1.5 (*before its repeal*), IC 20-45-3, or any
 22 other law; minus
 23 (I) for each township in the county, the lesser of:
 24 (i) the sum of the amount determined in IC 6-1.1-18.5-19(a)
 25 STEP THREE (*as effective January 1, 1990*) or
 26 IC 6-1.1-18.5-19(b) STEP THREE (*as effective January 1,*
 27 *1990*), whichever is applicable, plus the part, if any, of the
 28 township's ad valorem property tax levy for calendar year
 29 1989 that represents increases in that levy that resulted from
 30 an appeal described in IC 6-1.1-18.5-13(4) (*as effective*
 31 *before January 1, 1989*), filed after December 31, 1982; or
 32 (ii) the amount of property taxes imposed in the township for
 33 the stated assessment year under the authority of
 34 IC 36-8-13-4; minus
 35 (J) for each participating unit in a fire protection territory
 36 established under IC 36-8-19-1, the amount of property taxes
 37 levied by each participating unit under IC 36-8-19-8 and
 38 IC 36-8-19-8.5 less the maximum levy limit for each of the
 39 participating units that would have otherwise been available
 40 for fire protection services under IC 6-1.1-18.5-3 and
 41 IC 6-1.1-18.5-19 for that same year; minus
 42 (K) for each county, ~~the sum of:~~

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1 (i) the amount of property taxes imposed in the county for
 2 the repayment of loans under IC 12-19-5-6 (repealed) that is
 3 included in the amount determined under IC 12-19-7-4(a)
 4 STEP SEVEN *(as effective January 1, 1995)* for property
 5 taxes payable in 1995; or for property taxes payable in each
 6 year after 1995; the amount determined under
 7 IC 12-19-7-4(b) *(as effective before March 16, 2004)* and
 8 IC 12-19-7-4 *(as effective after March 15, 2004)*; and
 9 (ii) the amount of property taxes imposed in the county
 10 attributable to appeals granted under IC 6-1.1-18.6-3 *(before*
 11 *its repeal)* that is included in the amount determined under
 12 IC 12-19-7-4(a) STEP SEVEN *(as effective January 1,*
 13 *1995)* for property taxes payable in 1995; or the amount
 14 determined under IC 12-19-7-4(b) *(as effective before*
 15 *March 16, 2004)* and IC 12-19-7-4; *(as effective after*
 16 *March 15, 2004)* for property taxes payable in each year
 17 after 1995; plus

18 (2) all taxes to be paid in the county in respect to mobile home
 19 assessments currently assessed for the year in which the taxes
 20 stated in the abstract are to be paid; plus

21 (3) the amounts, if any, of county adjusted gross income taxes that
 22 were applied by the taxing units in the county as property tax
 23 replacement credits to reduce the individual levies of the taxing
 24 units for the assessment year, as provided in IC 6-3.5-1.1; plus

25 (4) the amounts, if any, by which the maximum permissible ad
 26 valorem property tax levies of the taxing units of the county were
 27 reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated
 28 assessment year; plus

29 (5) the difference between:

30 (A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR;
 31 minus

32 (B) the amount the civil taxing units' levies were increased
 33 because of the reduction in the civil taxing units' base year
 34 certified shares under IC 6-1.1-18.5-3(e).

35 (h) "December settlement sheet" means the certificate of settlement
 36 filed by the county auditor with the auditor of state, as required under
 37 IC 6-1.1-27-3.

38 (i) "Tax duplicate" means the roll of property taxes *which that* each
 39 county auditor is required to prepare *on or before March 1 of* each year
 40 under IC 6-1.1-22-3.

41 (j) "Eligible property tax replacement amount" is, except as
 42 otherwise provided by law, equal to the sum of the following:

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1 (1) Sixty percent (60%) of the total county tax levy imposed by
 2 each school corporation in a county for its general fund for a
 3 stated assessment year.
 4 (2) Twenty percent (20%) of the total county tax levy (less sixty
 5 percent (60%) of the levy for the general fund of a school
 6 corporation that is part of the total county tax levy) imposed in a
 7 county on real property for a stated assessment year.
 8 (3) Twenty percent (20%) of the total county tax levy (less sixty
 9 percent (60%) of the levy for the general fund of a school
 10 corporation that is part of the total county tax levy) imposed in a
 11 county on tangible personal property, excluding business personal
 12 property, for an assessment year.
 13 (k) "Business personal property" means tangible personal property
 14 (other than real property) that is being:
 15 (1) held for sale in the ordinary course of a trade or business; or
 16 (2) held, used, or consumed in connection with the production of
 17 income.
 18 (l) "Taxpayer's property tax replacement credit amount" means,
 19 except as otherwise provided by law, the sum of the following:
 20 (1) Sixty percent (60%) of a taxpayer's tax liability in a calendar
 21 year for taxes imposed by a school corporation for its general fund
 22 for a stated assessment year.
 23 (2) Twenty percent (20%) of a taxpayer's tax liability for a stated
 24 assessment year for a total county tax levy (less sixty percent
 25 (60%) of the levy for the general fund of a school corporation that
 26 is part of the total county tax levy) on real property.
 27 (3) Twenty percent (20%) of a taxpayer's tax liability for a stated
 28 assessment year for a total county tax levy (less sixty percent
 29 (60%) of the levy for the general fund of a school corporation that
 30 is part of the total county tax levy) on tangible personal property
 31 other than business personal property.
 32 (m) "Tax liability" means tax liability as described in section 5 of
 33 this chapter.
 34 (n) "General school operating levy" means the ad valorem property
 35 tax levy of a school corporation in a county for the school corporation's
 36 general fund.
 37 (o) "Board" refers to the property tax replacement fund board
 38 established under section 10 of this chapter.
 39 SECTION 21. IC 6-1.1-21-4, AS AMENDED BY P.L.228-2005,
 40 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2007]: Sec. 4. (a) Each year the department shall allocate from
 42 the property tax replacement fund an amount equal to the sum of:

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1 (1) each county's total eligible property tax replacement amount
 2 for that year; plus
 3 (2) the total amount of homestead tax credits that are provided
 4 under IC 6-1.1-20.9 and allowed by each county for that year;
 5 plus
 6 (3) an amount for each county that has one (1) or more taxing
 7 districts that contain all or part of an economic development
 8 district that meets the requirements of section 5.5 of this chapter.
 9 This amount is the sum of the amounts determined under the
 10 following STEPS for all taxing districts in the county that contain
 11 all or part of an economic development district:
 12 STEP ONE: Determine that part of the sum of the amounts
 13 under section 2(g)(1)(A) and 2(g)(2) of this chapter that is
 14 attributable to the taxing district.
 15 STEP TWO: Divide:
 16 (A) that part of the subdivision (1) amount that is
 17 attributable to the taxing district; by
 18 (B) the STEP ONE sum.
 19 STEP THREE: Multiply:
 20 (A) the STEP TWO quotient; times
 21 (B) the taxes levied in the taxing district that are allocated to
 22 a special fund under IC 6-1.1-39-5.
 23 (b) Except as provided in subsection (e), between March 1 and
 24 August 31 of each year, the department shall distribute to each county
 25 treasurer from the property tax replacement fund one-half (½) of the
 26 estimated distribution for that year for the county. Between September
 27 1 and December 15 of that year, the department shall distribute to each
 28 county treasurer from the property tax replacement fund the remaining
 29 one-half (½) of each estimated distribution for that year. The amount
 30 of the distribution for each of these periods shall be according to a
 31 schedule determined by the property tax replacement fund board under
 32 section 10 of this chapter. The estimated distribution for each county
 33 may be adjusted from time to time by the department to reflect any
 34 changes in the total county tax levy upon which the estimated
 35 distribution is based.
 36 (c) On or before December 31 of each year or as soon thereafter as
 37 possible, the department shall make a final determination of the amount
 38 which should be distributed from the property tax replacement fund to
 39 each county for that calendar year. This determination shall be known
 40 as the final determination of distribution. The department shall
 41 distribute to the county treasurer or receive back from the county
 42 treasurer any deficit or excess, as the case may be, between the sum of

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1 the distributions made for that calendar year based on the estimated
 2 distribution and the final determination of distribution. The final
 3 determination of distribution shall be based on the auditor's abstract
 4 filed with the auditor of state, adjusted for postabstract adjustments
 5 included in the December settlement sheet for the year, and such
 6 additional information as the department may require.

7 (d) All distributions provided for in this section shall be made on
 8 warrants issued by the auditor of state drawn on the treasurer of state.
 9 If the amounts allocated by the department from the property tax
 10 replacement fund exceed in the aggregate the balance of money in the
 11 fund, then the amount of the deficiency shall be transferred from the
 12 state general fund to the property tax replacement fund, and the auditor
 13 of state shall issue a warrant to the treasurer of state ordering the
 14 payment of that amount. However, any amount transferred under this
 15 section from the general fund to the property tax replacement fund
 16 shall, as soon as funds are available in the property tax replacement
 17 fund, be retransferred from the property tax replacement fund to the
 18 state general fund, and the auditor of state shall issue a warrant to the
 19 treasurer of state ordering the replacement of that amount.

20 (e) Except as provided in subsection (g) and subject to subsection
 21 (h), the department shall not distribute under subsection (b) and section
 22 10 of this chapter a percentage, determined by the department, of the
 23 money that would otherwise be distributed to the county under
 24 subsection (b) and section 10 of this chapter if:

25 (1) by the date the distribution is scheduled to be made, the
 26 county auditor has not sent a certified statement required to be
 27 sent by that date under IC 6-1.1-17-1 to the department of local
 28 government finance;

29 (2) by the deadline under IC 36-2-9-20, the county auditor has not
 30 transmitted data as required under that section;

31 (3) the county assessor has not forwarded to the department of
 32 local government finance the duplicate copies of all approved
 33 exemption applications required to be forwarded by that date
 34 under IC 6-1.1-11-8(a);

35 (4) the county assessor has not forwarded to the department of
 36 local government finance in a timely manner sales disclosure
 37 forms under ~~IC 6-1.1-5.5-3(b)~~; **IC 6-1.1-5.5-3(d)**;

38 (5) local assessing officials have not provided information to the
 39 department of local government finance in a timely manner under
 40 IC 4-10-13-5(b);

41 (6) the county auditor has not paid a bill for services under
 42 IC 6-1.1-4-31.5 to the department of local government finance in

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1 a timely manner;

2 (7) the elected township assessors in the county, the elected

3 township assessors and the county assessor, or the county assessor

4 has not transmitted to the department of local government finance

5 by October 1 of the year in which the distribution is scheduled to

6 be made the data for all townships in the county required to be

7 transmitted under IC 6-1.1-4-25(b);

8 (8) the county has not established a parcel index numbering

9 system under 50 IAC 12-15-1 in a timely manner; or

10 (9) a township or county official has not provided other

11 information to the department of local government finance in a

12 timely manner as required by the department.

13 (f) Except as provided in subsection (i), money not distributed for

14 the reasons stated in subsection (e) shall be distributed to the county

15 when the department of local government finance determines that the

16 failure to:

17 (1) provide information; or

18 (2) pay a bill for services;

19 has been corrected.

20 (g) The restrictions on distributions under subsection (e) do not

21 apply if the department of local government finance determines that the

22 failure to:

23 (1) provide information; or

24 (2) pay a bill for services;

25 in a timely manner is justified by unusual circumstances.

26 (h) The department shall give the county auditor at least thirty (30)

27 days notice in writing before withholding a distribution under

28 subsection (e).

29 (i) Money not distributed for the reason stated in subsection (e)(6)

30 may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money

31 deposited under this subsection is not subject to distribution under

32 subsection (f).

33 SECTION 22. IC 6-1.1-35-9 IS AMENDED TO READ AS

34 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. (a) All

35 information that is related to earnings, income, profits, losses, or

36 expenditures and that is:

37 (1) given by a person to:

38 (A) an assessing official;

39 (B) a member of a county property tax assessment board of

40 appeals;

41 (C) a county assessor;

42 (D) an employee of a person referred to in clauses (A) through

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- 1 (C); or
 2 (E) an officer or employee of an entity that contracts with a
 3 board of county commissioners ~~or~~ a county assessor ~~or an~~
 4 ~~elected township assessor~~ under IC 6-1.1-36-12; or
 5 (2) acquired by:
 6 (A) an assessing official;
 7 (B) a member of a county property tax assessment board of
 8 appeals;
 9 (C) a county assessor;
 10 (D) an employee of a person referred to in clauses (A) through
 11 (C); or
 12 (E) an officer or employee of an entity that contracts with a
 13 board of county commissioners ~~or~~ a county assessor ~~or an~~
 14 ~~elected township assessor~~ under IC 6-1.1-36-12;
 15 in the performance of the person's duties;
 16 is confidential. The assessed valuation of tangible property is a matter
 17 of public record and is thus not confidential. Confidential information
 18 may be disclosed only in a manner that is authorized under subsection
 19 (b), (c), or (d).
 20 (b) Confidential information may be disclosed to:
 21 (1) an official or employee of:
 22 (A) this state or another state;
 23 (B) the United States; or
 24 (C) an agency or subdivision of this state, another state, or the
 25 United States;
 26 if the information is required in the performance of the official
 27 duties of the official or employee; or
 28 (2) an officer or employee of an entity that contracts with a board
 29 of county commissioners ~~or~~ a county assessor ~~or an elected~~
 30 ~~township assessor~~ under IC 6-1.1-36-12 if the information is
 31 required in the performance of the official duties of the officer or
 32 employee.
 33 (c) The following state agencies, or their authorized representatives,
 34 shall have access to the confidential farm property records and
 35 schedules that are on file in the office of a county or township assessor:
 36 (1) the Indiana state board of animal health, in order to perform
 37 its duties concerning the discovery and eradication of farm animal
 38 diseases;
 39 (2) the department of agricultural statistics of Purdue University,
 40 in order to perform its duties concerning the compilation and
 41 dissemination of agricultural statistics; and
 42 (3) any other state agency that needs the information in order to

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1 perform its duties.

2 (d) Confidential information may be disclosed during the course of

3 a judicial proceeding in which the regularity of an assessment is

4 questioned.

5 (e) Confidential information that is disclosed to a person under

6 subsection (b) or (c) retains its confidential status. Thus, that person

7 may disclose the information only in a manner that is authorized under

8 subsection (b), (c), or (d).

9 (f) Notwithstanding any other provision of law:

10 (1) a person who:

11 (A) is an officer or employee of an entity that contracts with a

12 board of county commissioners ~~or a county assessor or an~~

13 ~~elected township assessor~~ under IC 6-1.1-36-12; and

14 (B) obtains confidential information under this section;

15 may not disclose that confidential information to any other

16 person; and

17 (2) a person referred to in subdivision (1) must return all

18 confidential information to the taxpayer not later than fourteen

19 (14) days after the earlier of:

20 (A) the completion of the examination of the taxpayer's

21 personal property return under IC 6-1.1-36-12; or

22 (B) the termination of the contract.

23 SECTION 23. IC 6-1.1-35-11 IS AMENDED TO READ AS

24 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) An

25 assessing official, a member of a county property tax assessment board

26 of appeals, ~~a state board member~~, or an employee of any assessing

27 official, county assessor, or board shall immediately be dismissed from

28 that position if the person discloses in an unauthorized manner any

29 information that is classified as confidential under section 9 of this

30 chapter.

31 (b) If an officer or employee of an entity that contracts with a board

32 of county commissioners ~~or a county assessor or an elected township~~

33 ~~assessor~~ under IC 6-1.1-36-12 discloses in an unauthorized manner any

34 information that is classified as confidential under section 9 of this

35 chapter:

36 (1) the contract between the entity and the board ~~or the county~~

37 ~~assessor~~ is void as of the date of the disclosure;

38 (2) the entity forfeits all right to payments owed under the

39 contract after the date of disclosure;

40 (3) the entity and its affiliates are barred for three (3) years after

41 the date of disclosure from entering into a contract with a board

42 ~~or a county assessor or an elected township assessor~~ under

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1 IC 6-1.1-36-12; and

2 (4) the taxpayer whose information was disclosed has a right of
3 action for triple damages against the entity.

4 SECTION 24. IC 6-1.1-36-12, AS AMENDED BY P.L.154-2006,
5 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JANUARY 1, 2008]: Sec. 12. (a) A board of county commissioners **or**
7 a county assessor ~~or an elected township assessor~~ may enter into a
8 contract for the discovery of property that has been undervalued or
9 omitted from assessment. The contract must prohibit payment to the
10 contractor for discovery of undervaluation or omission with respect to
11 a parcel or personal property return before all appeals of the assessment
12 of the parcel or the assessment under the return have been finalized.
13 The contract may require the contractor to:

14 (1) examine and verify the accuracy of personal property returns
15 filed by taxpayers with a township assessor of a township in the
16 county; and

17 (2) compare a return with the books of the taxpayer and with
18 personal property owned, held, possessed, controlled, or occupied
19 by the taxpayer.

20 (b) This subsection applies if funds are not appropriated for
21 payment of services performed under a contract described in subsection
22 (a). The county auditor may create a special nonreverting fund in which
23 the county treasurer shall deposit the amount of taxes, including
24 penalties and interest, that result from additional assessments on
25 undervalued or omitted property collected from all taxing jurisdictions
26 in the county after deducting the amount of any property tax credits that
27 reduce the owner's property tax liability for the undervalued or omitted
28 property. The fund remains in existence during the term of the contract.
29 Distributions shall be made from the fund without appropriation only
30 for the following purposes:

31 (1) All contract fees and other costs related to the contract.

32 (2) After the payments required by subdivision (1) have been
33 made and the contract has expired, the county auditor shall
34 distribute all money remaining in the fund to the appropriate
35 taxing units in the county using the property tax rates of each
36 taxing unit in effect at the time of the distribution.

37 (c) A board of county commissioners **or** a county assessor ~~or an~~
38 ~~elected township assessor~~ may not contract for services under
39 subsection (a) on a percentage basis.

40 SECTION 25. IC 6-3.5-1.1-1 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this
42 chapter:

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1 "Adjusted gross income" has the same definition that the term is
2 given in IC 6-3-1-3.5(a), except ~~that~~ **as follows:**

3 (1) In the case of a county taxpayer who is not a resident of a
4 county that has imposed the county adjusted gross income tax, the
5 term includes only adjusted gross income derived from his
6 principal place of business or employment.

7 (2) **In the case of a corporation, the term means adjusted**
8 **gross income derived from sources within Indiana multiplied**
9 **by a fraction. The numerator of the fraction is the assessed**
10 **value of the corporation's taxable property located in the**
11 **county on the last assessment date before the end of the**
12 **corporation's taxable year. The denominator of the fraction**
13 **is the assessed value of the corporation's property in Indiana**
14 **on the last assessment date before the end of the corporation's**
15 **taxable year.**

16 "Civil taxing unit" means any entity having the power to impose ad
17 valorem property taxes except a school corporation. The term does not
18 include a solid waste management district that is not entitled to a
19 distribution under section 1.3 of this chapter. However, in the case of
20 a consolidated city, the term "civil taxing unit" includes the
21 consolidated city and all special taxing districts, all special service
22 districts, and all entities whose budgets and property tax levies are
23 subject to review under IC 36-3-6-9.

24 **"Corporation" does not include a corporation to the extent that**
25 **the corporation is exempt from state adjusted gross income tax**
26 **under IC 6-3-2-2.8.**

27 "County council" includes the city-county council of a consolidated
28 city.

29 "County taxpayer" as it relates to a county, **except as provided in**
30 **section 30 of this chapter**, for a year means any individual:

31 (1) who resides in that county on the date specified in section 16
32 of this chapter; or

33 (2) who maintains his principal place of business or employment
34 in that county on the date specified in section 16 of this chapter
35 and who does not on that same date reside in another county in
36 which the county adjusted gross income tax **(including any**
37 **additional rate imposed under section 24 of this chapter)**, the
38 county option income tax **(including any additional rate**
39 **imposed under IC 6-3.5-6-30)**, or the county economic
40 development income tax is in effect.

41 "Department" refers to the Indiana department of state revenue.

42 "Nonresident county taxpayer" as it relates to a county for a year,

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1 **except as provided in section 30 of this chapter**, means any county
2 taxpayer for that county for that year who is not a resident county
3 taxpayer of that county for that year.

4 "Resident county taxpayer" as it relates to a county for a year means
5 any county taxpayer who resides in that county on the date specified in
6 section 16 of this chapter.

7 "School corporation" means any public school corporation
8 established under Indiana law.

9 **"Taxable property" means all tangible property that is subject**
10 **to the tax imposed by IC 6-1.1 and is not exempt from the tax**
11 **under IC 6-1.1-10 or any other law.**

12 SECTION 26. IC 6-3.5-1.1-2, AS AMENDED BY P.L.162-2006,
13 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: Sec. 2. (a) The county council of any county in
15 which the county option income tax will not be in effect on July 1 of a
16 year under an ordinance adopted during a previous calendar year may
17 impose the county adjusted gross income tax on the adjusted gross
18 income of county taxpayers of its county effective July 1 of that year.

19 (b) Except as provided in section 2.3, 2.5, 2.7, 2.8, 2.9, 3.3, 3.5, ~~or~~
20 3.6, **or 24** of this chapter, the county adjusted gross income tax may be
21 imposed at a rate of one-half of one percent (0.5%), three-fourths of
22 one percent (0.75%), or one percent (1%) on the adjusted gross income
23 of resident county taxpayers of the county. Any county imposing the
24 county adjusted gross income tax must impose the tax on the
25 nonresident county taxpayers at a rate of one-fourth of one percent
26 (0.25%) on their adjusted gross income. If the county council elects to
27 decrease the county adjusted gross income tax, the county council may
28 decrease the county adjusted gross income tax rate in increments of
29 one-tenth of one percent (0.1%).

30 (c) To impose the county adjusted gross income tax, the county
31 council must, after January 1 but before April 1 of a year, adopt an
32 ordinance. The ordinance must substantially state the following:

33 "The _____ County Council imposes the county adjusted
34 gross income tax on the county taxpayers of _____ County.
35 The county adjusted gross income tax is imposed at a rate of
36 _____ percent (____%) on the resident county taxpayers of the
37 county and one-fourth of one percent (0.25%) on the nonresident
38 county taxpayers of the county. This tax takes effect July 1 of this
39 year."

40 (d) Any ordinance adopted under this section takes effect July 1 of
41 the year the ordinance is adopted.

42 (e) The auditor of a county shall record all votes taken on

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1 ordinances presented for a vote under the authority of this section and
 2 immediately send a certified copy of the results to the department by
 3 certified mail.

4 (f) If the county adjusted gross income tax had previously been
 5 adopted by a county under IC 6-3.5-1 (before its repeal on March 15,
 6 1983) and that tax was in effect at the time of the enactment of this
 7 chapter, then the county adjusted gross income tax continues in that
 8 county at the rates in effect at the time of enactment until the rates are
 9 modified or the tax is rescinded in the manner prescribed by this
 10 chapter. If a county's adjusted gross income tax is continued under this
 11 subsection, then the tax shall be treated as if it had been imposed under
 12 this chapter and is subject to rescission or reduction as authorized in
 13 this chapter.

14 SECTION 27. IC 6-3.5-1.1-3.1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) The county
 16 council may decrease the county adjusted gross income tax rate
 17 imposed upon the resident county taxpayers of the county. To decrease
 18 the rate, the county council must, after January 1 but before April 1 of
 19 a year, adopt an ordinance. The ordinance must substantially state the
 20 following:

21 "The _____ County Council decreases the county adjusted
 22 gross income tax rate imposed upon the resident county taxpayers
 23 of the county from _____ percent (___%) to _____ percent
 24 (___%). This tax rate decrease takes effect July 1 of this year."

25 (b) A county council may not decrease the county adjusted gross
 26 income tax rate if the county or any commission, board, department, or
 27 authority that is authorized by statute to pledge the county adjusted
 28 gross income tax has pledged the county adjusted gross income tax for
 29 any purpose permitted by IC 5-1-14 or any other statute.

30 (c) Any ordinance adopted under this section takes effect July 1 of
 31 the year the ordinance is adopted.

32 (d) The auditor of a county shall record all votes taken on
 33 ordinances presented for a vote under the authority of this section and
 34 immediately send a certified copy of the results to the department by
 35 certified mail.

36 (e) **This subsection does not apply to an ordinance to decrease**
 37 **a county adjusted gross income tax rate imposed under section 2.3,**
 38 **2.5, 2.7, 2.8, 2.9, 3.3, 3.5, 3.6, or 24 of this chapter.** Notwithstanding
 39 IC 6-3.5-7, and except as provided in subsection (f), a county council
 40 that decreases the county adjusted gross income tax rate in a year may
 41 not in the same year adopt or increase the county economic
 42 development income tax under IC 6-3.5-7.

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1 (f) This subsection applies only to a county having a population of
 2 more than one hundred ten thousand (110,000) but less than one
 3 hundred fifteen thousand (115,000). The county council may adopt or
 4 increase the county economic development income tax rate under
 5 IC 6-3.5-7 in the same year that the county council decreases the
 6 county adjusted gross income tax rate if the county economic
 7 development income tax rate plus the county adjusted gross income tax
 8 rate in effect after the county council decreases the county adjusted
 9 gross income tax rate is less than the county adjusted gross income tax
 10 rate in effect before the adoption of an ordinance under this section
 11 decreasing the rate of the county adjusted gross income tax.

12 SECTION 28. IC 6-3.5-1.1-6.5 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. If for any taxable year a**
 15 **county taxpayer or corporation is subject to different tax rates for**
 16 **the county option income tax imposed by a particular county, the**
 17 **taxpayer's county option income tax rate for that county and that**
 18 **taxable year is the rate determined in the last STEP of the**
 19 **following STEPS:**

20 **STEP ONE: Multiply the number of months in the taxpayer's**
 21 **taxable year that precede July 1 by the rate in effect before**
 22 **the rate change.**

23 **STEP TWO: Multiply the number of months in the taxpayer's**
 24 **taxable year that follow June 30 by the rate in effect after the**
 25 **rate change.**

26 **STEP THREE: Divide the sum of the amounts determined**
 27 **under STEPS ONE and TWO by twelve (12).**

28 SECTION 29. IC 6-3.5-1.1-9, AS AMENDED BY P.L.207-2005,
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 9. (a) Revenue derived from the imposition of
 31 the county adjusted gross income tax shall, in the manner prescribed by
 32 this section, be distributed to the county that imposed it. The amount
 33 to be distributed to a county during an ensuing calendar year equals the
 34 amount of county adjusted gross income tax revenue that the
 35 department, after reviewing the recommendation of the budget agency,
 36 determines has been:

- 37 (1) received from that county for a taxable year ending before the
- 38 calendar year in which the determination is made; and
- 39 (2) reported on an annual return or amended return processed by
- 40 the department in the state fiscal year ending before July 1 of the
- 41 calendar year in which the determination is made;
- 42 as adjusted (as determined after review of the recommendation of the

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1 budget agency) for refunds of county adjusted gross income tax made
2 in the state fiscal year.

3 (b) Before August 2 of each calendar year, the department, after
4 reviewing the recommendation of the budget agency, shall certify to the
5 county auditor of each adopting county the amount determined under
6 subsection (a) plus the amount of interest in the county's account that
7 has accrued and has not been included in a certification made in a
8 preceding year. The amount certified is the county's "certified
9 distribution" for the immediately succeeding calendar year. The amount
10 certified shall be adjusted under subsections (c), (d), (e), (f), and (g).
11 The department shall provide with the certification an informative
12 summary of the calculations used to determine the certified
13 distribution. **The department shall include with the certification**
14 **information concerning the part of the certified distribution that**
15 **is available for the purposes of section 24 of this chapter. The**
16 **department shall certify to the department of local government**
17 **finance the part of the certified distribution that is available in a**
18 **county for credits under section 24 of this chapter at the same time**
19 **that the department certifies the total certified distribution to the**
20 **county auditor.**

21 (c) The department shall certify an amount less than the amount
22 determined under subsection (b) if the department, after reviewing the
23 recommendation of the budget agency, determines that the reduced
24 distribution is necessary to offset overpayments made in a calendar
25 year before the calendar year of the distribution. The department, after
26 reviewing the recommendation of the budget agency, may reduce the
27 amount of the certified distribution over several calendar years so that
28 any overpayments are offset over several years rather than in one (1)
29 lump sum.

30 (d) The department, after reviewing the recommendation of the
31 budget agency, shall adjust the certified distribution of a county to
32 correct for any clerical or mathematical errors made in any previous
33 certification under this section. The department, after reviewing the
34 recommendation of the budget agency, may reduce the amount of the
35 certified distribution over several calendar years so that any adjustment
36 under this subsection is offset over several years rather than in one (1)
37 lump sum.

38 (e) The department, after reviewing the recommendation of the
39 budget agency, shall adjust the certified distribution of a county to
40 provide the county with the distribution required under section 10(b)
41 of this chapter.

42 (f) This subsection applies to a county that:

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1 (1) initially imposes the county adjusted gross income tax; or
 2 (2) increases the county adjusted income tax rate;
 3 under this chapter in the same calendar year in which the department
 4 makes a certification under this section. The department, after
 5 reviewing the recommendation of the budget agency, shall adjust the
 6 certified distribution of a county to provide for a distribution in the
 7 immediately following calendar year and in each calendar year
 8 thereafter. The department shall provide for a full transition to
 9 certification of distributions as provided in subsection (a)(1) through
 10 (a)(2) in the manner provided in subsection (c).

11 (g) The department, after reviewing the recommendation of the
 12 budget agency, shall adjust the certified distribution of a county to
 13 provide the county with the distribution required under section 3.3 of
 14 this chapter beginning not later than the tenth month after the month in
 15 which additional revenue from the tax authorized under section 3.3 of
 16 this chapter is initially collected.

17 SECTION 30. IC 6-3.5-1.1-10, AS AMENDED BY P.L.147-2006,
 18 SECTION 2, AS AMENDED BY P.L.162-2006, SECTION 29, AND
 19 AS AMENDED BY P.L.2-2006, SECTION 68, IS CORRECTED AND
 20 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 21 PASSAGE]: Sec. 10. (a) Except as provided in subsection (b), one-half
 22 (1/2) of each adopting county's certified distribution for a calendar year
 23 shall be distributed from its account established under section 8 of this
 24 chapter to the appropriate county treasurer on May 1 and the other
 25 one-half (1/2) on November 1 of that calendar year.

26 (b) This subsection applies to a county having a population of more
 27 than one hundred forty-five thousand (145,000) but less than one
 28 hundred forty-eight thousand (148,000). Notwithstanding section 9 of
 29 this chapter, the initial certified distribution certified for a county under
 30 section 9 of this chapter shall be distributed to the county treasurer
 31 from the account established for the county under section 8 of this
 32 chapter according to the following schedule during the eighteen (18)
 33 month period beginning on July 1 of the year in which the county
 34 initially adopts an ordinance under section 2 of this chapter:

- 35 (1) One-fourth (1/4) on October 1 of the *calendar* year in which
 36 the ordinance was adopted.
 37 (2) One-fourth (1/4) on January 1 of the calendar year following
 38 the year in which the ordinance was adopted.
 39 (3) One-fourth (1/4) on May 1 of the calendar year following the
 40 year in which the ordinance was adopted.
 41 (4) One-fourth (1/4) on November 1 of the calendar year
 42 following the year in which the ordinance was adopted.

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1 Notwithstanding section 11 of this chapter, the part of the certified
 2 distribution received under subdivision (1) that would otherwise be
 3 allocated to a civil taxing unit or school corporation as property tax
 4 replacement credits under section 11 of this chapter shall be set aside
 5 and treated for the calendar year when received by the civil taxing unit
 6 or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or
 7 ~~IC 6-1.1-19-1.7~~. IC 20-44-3. Certified distributions made to the county
 8 treasurer for calendar years following the eighteen (18) month period
 9 described in this subsection shall be made as provided in subsection
 10 (a).

11 (c) Except for:

12 (1) revenue that must be used to pay the costs of:

13 (A) financing, constructing, acquiring, improving, renovating,
 14 equipping, operating, or maintaining facilities and buildings;

15 (B) debt service on bonds; or

16 (C) lease rentals;

17 under section 2.3 of this chapter;

18 ~~(2)~~ (2) revenue that must be used to pay the costs of operating a
 19 jail and juvenile detention center under section 2.5(d) of this
 20 chapter;

21 ~~(3)~~ (3) revenue that must be used to pay the costs of:

22 (A) financing, constructing, acquiring, improving, renovating,
 23 ~~or~~ equipping, operating, or maintaining facilities and
 24 buildings;

25 (B) debt service on bonds; or

26 (C) lease rentals;

27 under section 2.8 of this chapter;

28 ~~(4)~~ (4) revenue that must be used to pay the costs of construction,
 29 improvement, renovation, or remodeling of a jail and related
 30 buildings and parking structures under section 2.7, 2.9, or 3.3 of
 31 this chapter;

32 ~~(5)~~ (5) revenue that must be used to pay the costs of operating and
 33 maintaining a jail and justice center under section 3.5(d) of this
 34 chapter; ~~or~~

35 ~~(6)~~ (6) revenue that must be used to pay the costs of constructing,
 36 acquiring, improving, renovating, or equipping a county
 37 courthouse under section 3.6 of this chapter; **or**

38 **(7) revenue treated as additional revenue under section 24 of**
 39 **this chapter;**

40 distributions made to a county treasurer under subsections (a) and (b)
 41 shall be treated as though they were property taxes that were due and
 42 payable during that same calendar year. Except as provided by

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1 subsection (b) **and section 24 of this chapter**, the certified distribution
 2 shall be distributed and used by the taxing units and school
 3 corporations as provided in sections 11 through 15 of this chapter.

4 (d) All distributions from an account established under section 8 of
 5 this chapter shall be made by warrants issued by the auditor of the state
 6 to the treasurer of the state ordering the appropriate payments.

7 SECTION 31. IC 6-3.5-1.1-11, AS AMENDED BY P.L.147-2006,
 8 SECTION 3, AND AS AMENDED BY P.L.162-2006, SECTION 30,
 9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except for:

11 (1) *revenue that must be used to pay the costs of:*

12 (A) *financing, constructing, acquiring, improving, renovating,*
 13 *equipping, operating, or maintaining facilities and buildings;*

14 (B) *debt service on bonds; or*

15 (C) *lease rentals;*

16 *under section 2.3 of this chapter;*

17 ~~(2)~~ (2) *revenue that must be used to pay the costs of operating a*
 18 *jail and juvenile detention center under section 2.5(d) of this*
 19 *chapter;*

20 ~~(2)~~ (3) *revenue that must be used to pay the costs of:*

21 (A) *financing, constructing, acquiring, improving, renovating,*
 22 ~~or~~ *equipping, operating, or maintaining facilities and*
 23 *buildings;*

24 (B) *debt service on bonds; or*

25 (C) *lease rentals;*

26 *under section 2.8 of this chapter;*

27 ~~(3)~~ (4) *revenue that must be used to pay the costs of construction,*
 28 *improvement, renovation, or remodeling of a jail and related*
 29 *buildings and parking structures under section 2.7, 2.9, or 3.3 of*
 30 *this chapter;*

31 ~~(4)~~ (5) *revenue that must be used to pay the costs of operating and*
 32 *maintaining a jail and justice center under section 3.5(d) of this*
 33 *chapter; or*

34 ~~(5)~~ (6) *revenue that must be used to pay the costs of constructing,*
 35 *acquiring, improving, renovating, or equipping a county*
 36 *courthouse under section 3.6 of this chapter; or*

37 **(7) revenue subject to allocation under section 24 of this**
 38 **chapter;**

39 the certified distribution received by a county treasurer shall, in the
 40 manner prescribed in this section, be allocated, distributed, and used
 41 by the civil taxing units and school corporations of the county as
 42 certified shares and property tax replacement credits.

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(b) Before August 10 of each calendar year, each county auditor shall determine the part of the certified distribution for the next succeeding calendar year that will be allocated as property tax replacement credits and the part that will be allocated as certified shares. The percentage of a certified distribution that will be allocated as property tax replacement credits or as certified shares depends upon the county adjusted gross income tax rate for resident county taxpayers in effect on August 1 of the calendar year that precedes the year in which the certified distribution will be received by two (2) years. The percentages are set forth in the following table:

COUNTY	PROPERTY TAX	
	REPLACEMENT CREDITS	CERTIFIED SHARES
ADJUSTED GROSS INCOME TAX RATE		
0.5%	50%	50%
0.75%	33 1/3%	66 2/3%
1%	25%	75%

(c) The part of a certified distribution that constitutes property tax replacement credits shall be distributed as provided under sections 12, 13, and 14 of this chapter.

(d) The part of a certified distribution that constitutes certified shares shall be distributed as provided by section 15 of this chapter.

SECTION 32. IC 6-3.5-1.1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) **Subject to section 24 of this chapter**, a pledge of county adjusted gross income tax revenues under this chapter is enforceable in accordance with IC 5-1-14.

(b) With respect to obligations for which a pledge has been made under this chapter, the general assembly covenants with the county and the purchasers or owners of those obligations that this chapter will not be repealed or amended in any manner that will adversely affect the collection of the tax imposed under this chapter as long as the principal of or interest on those obligations is unpaid.

SECTION 33. IC 6-3.5-1.1-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24. (a) The definitions in IC 6-1.1-1, IC 6-1.1-20.6, and IC 6-1.1-20.9 and the following definitions apply throughout this section:**

- (1) "Certified distribution" refers to the part of the total certified distribution determined under section 9 of this chapter for a county in a particular year that is attributable to a tax rate imposed for the purposes of this section.

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- (2) "County taxpayer", as it relates to a particular county, means any individual:
 - (A) who resides in the county on the date specified in section 16 of this chapter; or
 - (B) who maintains the individual's principal place of business or employment in that county on the date specified in section 16 of this chapter.
- (3) "Credit" refers to a credit established under this section against property tax liability of taxpayers in a county.
- (4) "Net total county tax levy" means the part of the total county tax levy imposed in a county on real property and tangible personal property, excluding business personal property (as defined in IC 6-1.1-21-2), for a particular year by civil taxing units and the school corporations, determined after subtracting the following:
 - (A) The eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for the county for that year.
 - (B) The amount of homestead credits provided under IC 6-1.1-20.9 that is certified for the county under IC 6-1.1-21-3.
- (5) "Nonresident county taxpayer", as it relates to a county for a year, means any county taxpayer for that county for that year who is not a resident county taxpayer of that county for that year.
- (6) "Ordinance" refers to an ordinance adopted to implement this section.
- (7) "Property tax" refers to the ad valorem property taxes imposed by the taxing units in the county.
- (8) "Property tax liability" means tax liability, as described in IC 6-1.1-21-5, for the part of the net total county tax levy on which a credit is calculated under this section.
- (9) "Public safety" refers to the following:
 - (A) A police and law enforcement system to preserve public peace and order.
 - (B) A firefighting and fire prevention system.
 - (C) Emergency ambulance services (as defined in IC 16-18-2-107), except as part of a levy for a county hospital under IC 16-22 or a municipal hospital under IC 16-23.
 - (D) Emergency medical services (as defined in IC 16-18-2-110), except as part of a levy for a county hospital under IC 16-22 or a municipal hospital under

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- 1 **IC 16-23.**
 2 **(E) Emergency action (as defined in IC 13-11-2-65).**
 3 **(F) A probation department of a court.**
 4 **(G) Confinement, supervision, services under a community**
 5 **corrections program (as defined in IC 35-38-2.6-2), or**
 6 **other correctional services for a person who has been:**
 7 **(i) diverted before a final hearing or trial under an**
 8 **agreement that is between the county prosecuting**
 9 **attorney and the person or the person's custodian,**
 10 **guardian, or parent and that provides for confinement,**
 11 **supervision, community corrections services, or other**
 12 **correctional services instead of a final action described**
 13 **in item (ii) or (iii);**
 14 **(ii) convicted of a crime; or**
 15 **(iii) adjudicated as a delinquent child or a child in need**
 16 **of services in a facility.**
 17 **(H) A juvenile detention facility under IC 31-31-8.**
 18 **(I) A juvenile detention center under IC 31-31-9.**
 19 **(J) A county jail.**
 20 **(K) A communications system (as defined in IC 36-8-15-3)**
 21 **or an enhanced emergency telephone system (as defined in**
 22 **IC 36-8-16-2).**
 23 **(L) A criminal justice or crime prevention system.**
 24 **(M) Pension payments for any of the following:**
 25 **(i) A member of the fire department (as defined in**
 26 **IC 36-8-1-8) or any other employee of a fire department.**
 27 **(ii) A member of the police department (as defined in**
 28 **IC 36-8-1-9), a police chief hired under a waiver under**
 29 **IC 36-8-4-6.5, or any other employee hired by a police**
 30 **department.**
 31 **(iii) A county sheriff or any other member of the office of**
 32 **the county sheriff.**
 33 **(iv) Other personnel employed to provide a service**
 34 **described in this section.**
 35 **(10) "Resident county taxpayer", as it relates to a particular**
 36 **county, means any county taxpayer who resides in that county**
 37 **on the date specified in section 16 of this chapter.**
 38 **(11) "Tax rate" refers to a county adjusted gross income tax**
 39 **rate imposed for the purposes of this section.**
 40 **(12) "Total county tax levy" has the meaning set forth in**
 41 **IC 6-1.1-21-2.**
 42 **(b) A county fiscal body may adopt an ordinance to establish a**

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1 county adjusted gross income tax rate against the adjusted gross
 2 income of county taxpayers and corporations for the purposes of
 3 this section. The tax rate may be established in any increment of
 4 one hundredth percent (0.01%). The maximum tax rate imposed
 5 on resident county taxpayers may not exceed one percent (1%).
 6 The tax rate that is in effect for the nonresident county taxpayers
 7 of a county is one-fourth (1/4) of the tax rate imposed upon
 8 resident county taxpayers, rounded to the nearest one hundredth
 9 percent (0.01%) The tax rate that is in effect for corporations is the
 10 same as the tax rate imposed on resident county taxpayers of the
 11 county. A county taxpayer whose principal place of business or
 12 employment is a county other than the county in which the
 13 taxpayer is a resident county taxpayer is entitled to a credit against
 14 the county where the taxpayer is a county resident taxpayer. The
 15 amount of the credit is equal to the county option income tax
 16 imposed under this section on the taxpayer's adjusted gross income
 17 in the county where the taxpayer has the taxpayer's principal place
 18 of business or employment. Notwithstanding section 2 of this
 19 chapter, an ordinance adopting a tax rate for the purposes of this
 20 section may be adopted in 2007 before July 1, 2007. An ordinance
 21 adopted in 2007 after March 31, 2007, and before June 1, 2007,
 22 takes effect July 1, 2007. An ordinance adopted in 2007 after May
 23 31, 2007, takes effect August 1, 2007. For purposes of computing:
 24 (1) the maximum income tax rate that may be imposed in a
 25 county under section 2 of this chapter;
 26 (2) the maximum permissible property tax levy under STEP
 27 EIGHT of IC 6-1.1-18.5-3(b); or
 28 (3) the total county tax levy under IC 6-1.1-21-2(g)(3),
 29 IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5);
 30 the county's adjusted gross income tax rate does not include that
 31 part of the county adjusted gross income tax rate levy imposed for
 32 the purposes of this section.

33 (c) At least sixty percent (60%) of the certified distribution
 34 attributable to the tax rate imposed on county taxpayers under this
 35 section, as specified in an ordinance, is allocated for the purposes
 36 of providing:

- 37 (1) a homestead credit percentage against the part of the net
 38 total county tax levy imposed by civil taxing units and school
 39 corporations on homesteads; or
 40 (2) a property tax replacement credit percentage against the
 41 part of the net total county tax levy imposed by civil taxing
 42 units and school corporations on tangible property;

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1 or both, as determined under the ordinance adopted by the county
 2 fiscal body. If an ordinance does not specify the percentage of a
 3 certified distribution that is to be used as credits, the county shall
 4 be treated as having elected to allocate sixty percent (60%) of a
 5 certified distribution for credits. One hundred percent (100%) of
 6 the certified distribution attributable to the tax rate imposed on
 7 corporations must be allocated for the purposes of providing a
 8 homestead credit percentage against the part of the net total
 9 county tax levy imposed by civil taxing units and school
 10 corporation on homesteads. A credit must be uniformly applied to
 11 all property eligible for the credit. If a county fiscal body
 12 establishes both a homestead credit and a property tax
 13 replacement credit for the same year, the ordinance must designate
 14 the percentage of the certified distribution that must be used for
 15 each credit. The county fiscal body may adopt, increase, decrease,
 16 or rescind the amount allocated to a particular credit using the
 17 procedures described in this chapter for the adoption, increase,
 18 decrease, or rescission of a county adjusted gross income tax.

19 (d) A taxpayer to which an ordinance under this section applies
 20 is entitled to a credit in each year in which a certified distribution
 21 is made to the county. The credit shall be applied after applying
 22 any credits granted in the county under IC 6-1.1-20.9,
 23 IC 6-1.1-21-5, sections 11 through 14 of this chapter, IC 6-3.5-7-23,
 24 and IC 6-3.5-7-26 and additional property tax relief from certified
 25 shares distributed under section 15 of this chapter. The credit is the
 26 percentage of property tax liability covered by the ordinance that
 27 is certified to the county auditor by the department of local
 28 government finance. The department of local government finance
 29 shall establish a credit percentage that the department of local
 30 government finance estimates will result in that granting of an
 31 aggregate total of credits for a year that is equal to the certified
 32 distribution that is allocated for the purposes of granting the
 33 credit.

34 (e) The county treasurer shall distribute the certified
 35 distribution in equal installments at the same time that
 36 distributions are made to civil taxing units under section 15 of this
 37 chapter. The certified distribution shall be allocated as follows:

38 (1) The part of the certified distribution for a year that is
 39 allocated to providing credits in the county shall be allocated
 40 to the civil taxing units and school corporations in the county
 41 in such a manner that no civil taxing unit or school
 42 corporation will suffer a net revenue loss because of the

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allowance of credits under this section.

(2) The part of the certified distribution for a year that is not allocated to providing credits shall be allocated to the civil taxing units in the county in proportion to the amount by which the amount budgeted by each civil taxing unit in the year for public safety personal services and other public safety operating expenses exceeds the amount expended for public safety personal services and other public safety operating expenses in 2007, as certified by the department of local government finance.

(f) An allocation under subsection (e)(1) shall be treated as a part of the receiving civil taxing unit's or school corporation's property tax levy for that year for purposes of fixing its budget and for purposes of the property tax levy limits imposed by IC 6-1.1-18.5, IC 20-45, or any other law. An allocation under subsection (e)(1) shall be apportioned among the funds of a civil taxing unit or school corporation in proportion to the part of the net total county tax levy that is imposed for each fund. If the aggregate total of credits granted in a county under this section in a particular year is less than the certified distribution for the year that is available for credits, the excess certified distribution allocated to a civil taxing unit or school corporation shall be allocated among the civil taxing units and school corporations in the county in proportion to the total county tax levy imposed by each civil taxing unit and school corporation and deposited in the civil taxing unit's or school corporation's excess levy fund for the purpose of being used in the same manner as excess levies deposited in the fund.

(g) An allocation under subsection (e)(2) shall be treated as additional revenue for the purpose of fixing a civil taxing unit's budget for the year in which the allocation will be received. The allocation under subsection (e)(2) may be appropriated and used only for expenditures for:

- (1) personal services for public safety, including payments for salaries and wages to officers and employees of the civil taxing unit (either regular or temporary), payments for compensation awards, and the employer's share of Social Security, health insurance, life insurance, dental insurance, vision insurance, deferred compensation - employer match, leave conversion, disability, and retirement fund contributions; and
- (2) other operating expenses for public safety, including

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1 payments for services other than personal services, services
2 by contract, supplies, materials, and parts, grants, subsidies,
3 refunds, awards, travel, machinery, implements, tools,
4 furniture, or other equipment;

5 that exceed the amount expended for public safety personal
6 services and other public safety operating expenses in 2007. If the
7 total of all additional public safety expenditures and other public
8 safety operating expenditures budgeted in a county in a particular
9 year are less than forty percent (40%) of the certified distribution
10 for the year, the excess shall be allocated among the civil taxing
11 units in the county in proportion to the amount budgeted for public
12 safety personal expenses and other public safety operating
13 expenses of each civil taxing unit, as certified by the department of
14 local government finance, and deposited in the civil taxing unit's or
15 school corporation's excess levy fund for the purpose of being used
16 in the same manner as excess levies deposited in the fund. The tax
17 rate may not be pledged for any purpose that would otherwise be
18 permitted by IC 5-1-14 or another statute. A pledge of county
19 adjusted gross income taxes does not apply to the certified
20 distribution from a tax rate imposed for the purposes of this
21 section.

22 SECTION 34. IC 6-3.5-6-1 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this
24 chapter:

25 "Adjusted gross income" has the same definition that the term is
26 given in IC 6-3-1-3.5 ~~However~~, **except as follows:**

27 (1) In the case of a county taxpayer who is not treated as a
28 resident county taxpayer of a county, the term includes only
29 adjusted gross income derived from his principal place of
30 business or employment.

31 (2) **In the case of a corporation, the term means adjusted**
32 **gross income derived from sources within Indiana multiplied**
33 **by a fraction. The numerator of the fraction is the assessed**
34 **value of the corporation's taxable property located in the**
35 **county on the last assessment date before the end of the**
36 **corporation's taxable year. The denominator of the fraction**
37 **is the assessed value of the corporation's property in Indiana**
38 **on the last assessment date before the end of the corporation's**
39 **taxable year.**

40 "Civil taxing unit" means any entity, except a school corporation,
41 that has the power to impose ad valorem property taxes. The term does
42 not include a solid waste management district that is not entitled to a

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1 distribution under section 1.3 of this chapter. However, in the case of
 2 a county in which a consolidated city is located, the consolidated city,
 3 the county, all special taxing districts, special service districts, included
 4 towns (as defined in IC 36-3-1-7), and all other political subdivisions
 5 except townships, excluded cities (as defined in IC 36-3-1-7), and
 6 school corporations shall be deemed to comprise one (1) civil taxing
 7 unit whose fiscal body is the fiscal body of the consolidated city.

8 **"Corporation" does not include a corporation to the extent that**
 9 **the corporation is exempt from state adjusted gross income tax**
 10 **under IC 6-3-2-2.8.**

11 "County income tax council" means a council established by section
 12 2 of this chapter.

13 "County taxpayer", as it relates to a particular county, **except as**
 14 **provided in section 30 of this chapter**, means any individual:

15 (1) who resides in that county on the date specified in section 20
 16 of this chapter; or

17 (2) who maintains his principal place of business or employment
 18 in that county on the date specified in section 20 of this chapter
 19 and who does not reside on that same date in another county in
 20 which the county option income tax (**including any additional**
 21 **rate imposed under section 30 of this chapter**), the county
 22 adjusted income tax (**including any additional rate imposed**
 23 **under IC 6-3.5-1.1-24**), or the county economic development
 24 income tax is in effect.

25 "Department" refers to the Indiana department of state revenue.

26 "Fiscal body" has the same definition that the term is given in
 27 IC 36-1-2-6.

28 **"Nonresident county taxpayer", as it relates to a county for a**
 29 **year, except as provided in section 30 of this chapter, means any**
 30 **county taxpayer for that county for that year who is not a resident**
 31 **county taxpayer of that county for that year.**

32 "Resident county taxpayer", as it relates to a particular county,
 33 means any county taxpayer who resides in that county on the date
 34 specified in section 20 of this chapter.

35 "School corporation" has the same definition that the term is given
 36 in IC 6-1.1-1-16.

37 **"Taxable property" means all tangible property that is subject**
 38 **to the tax imposed by IC 6-1.1 and is not exempt from the tax**
 39 **under IC 6-1.1-10 or any other law.**

40 SECTION 35. IC 6-3.5-6-8 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The county
 42 income tax council of any county in which the county adjusted gross

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1 income tax will not be in effect on July 1 of a year under an ordinance
2 adopted during a previous calendar year may impose the county option
3 income tax on the adjusted gross income of county taxpayers of its
4 county effective July 1 of that same year.

5 (b) **Except as provided in sections 27, 28, 29, and 30 of this**
6 **chapter**, the county option income tax may initially be imposed at a
7 rate of two-tenths of one percent (0.2%) on the resident county
8 taxpayers of the county and at a rate of five hundredths of one percent
9 (0.05%) for all other county taxpayers.

10 (c) To impose the county option income tax, a county income tax
11 council must, after January 1 but before April 1 of the year, pass an
12 ordinance. The ordinance must substantially state the following:

13 "The _____ County Income Tax Council imposes the
14 county option income tax on the county taxpayers of
15 _____ County. The county option income tax is
16 imposed at a rate of two-tenths of one percent (0.2%) on the
17 resident county taxpayers of the county and at a rate of five
18 hundredths of one percent (0.05%) on all other county taxpayers.
19 This tax takes effect July 1 of this year."

20 (d) If the county option income tax is imposed on the county
21 taxpayers of a county, then the county option income tax rate that is in
22 effect for resident county taxpayers of that county increases by
23 one-tenth of one percent (0.1%) on each succeeding July 1 until the
24 rate equals six-tenths of one percent (0.6%).

25 (e) The county option income tax rate in effect for the county
26 taxpayers of a county who are not resident county taxpayers of that
27 county is at all times one-fourth (1/4) of the tax rate imposed upon
28 resident county taxpayers.

29 (f) The auditor of a county shall record all votes taken on ordinances
30 presented for a vote under this section and immediately send a certified
31 copy of the results to the department by certified mail.

32 SECTION 36. IC 6-3.5-6-9 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If on January
34 1 of a calendar year the county option income tax rate in effect for
35 resident county taxpayers equals six tenths of one percent (0.6%), ~~then~~
36 **excluding any part of the tax rate imposed under section 27, 28, 29,**
37 **or 30 of this chapter**, the county income tax council of that county
38 may after January 1 and before April 1 of that year pass an ordinance
39 to increase its tax rate for resident county taxpayers. If a county income
40 tax council passes an ordinance under this section, its county option
41 income tax rate for resident county taxpayers increases by one tenth of
42 one percent (0.1%) each succeeding July 1 until its rate reaches a

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1 maximum of one percent (1%).

2 (b) The auditor of the county shall record any vote taken on a
3 ordinance proposed under the authority of this section and immediately
4 send a certified copy of the results to the department by certified mail.

5 SECTION 37. IC 6-3.5-6-11 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) **This
7 section does not apply to the part of a county option income tax
8 rate imposed under section 27, 28, 29, or 30 of this chapter.**

9 ~~(a)~~ (b) The county income tax council of any county may adopt an
10 ordinance to permanently freeze the county option income tax rates at
11 the rate in effect for its county on January 1 of a year.

12 ~~(b)~~ (c) To freeze the county option income tax rates, a county
13 income tax council must, after January 1 but before April 1 of a year,
14 adopt an ordinance. The ordinance must substantially state the
15 following:

16 "The _____ County Income Tax Council permanently
17 freezes the county option income tax rates at the rate in effect on
18 January 1 of the current year."

19 ~~(c)~~ (d) An ordinance adopted under the authority of this section
20 remains in effect until rescinded. The county income tax council may
21 rescind such an ordinance after January 1 but before April 1 of any
22 calendar year. Such an ordinance shall take effect July 1 of that same
23 calendar year.

24 ~~(d)~~ (e) If a county income tax council rescinds an ordinance as
25 adopted under this section, the county option income tax rate shall
26 automatically increase by one-tenth of one percent (0.01%) until:

- 27 (1) the tax rate is again frozen under another ordinance adopted
- 28 under this section; or
- 29 (2) the tax rate equals six tenths of one percent (0.6%) (if the
- 30 frozen tax rate equaled an amount less than six tenths of one
- 31 percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled
- 32 an amount in excess of six tenths of one percent (0.6%)).

33 ~~(e)~~ (f) The county auditor shall record any vote taken on an
34 ordinance proposed under the authority of this section and immediately
35 send a certified copy of the results to the department by certified mail.

36 SECTION 38. IC 6-3.5-6-12.5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) The
38 county income tax council may adopt an ordinance to decrease the
39 county option income tax rate in effect.

40 (b) To decrease the county option income tax rate, the county
41 income tax council must adopt an ordinance after January 1 but before
42 April 1 of a year. The ordinance must substantially state the following:

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1 "The _____ County Income Tax Council decreases the
2 county option income tax rate from _____ percent (___ %)
3 to _____ percent (___ %). This ordinance takes effect July
4 1 of this year."

5 (c) A county income tax council may not decrease the county option
6 income tax if the county or any commission, board, department, or
7 authority that is authorized by statute to pledge the county option
8 income tax has pledged the county option income tax for any purpose
9 permitted by IC 5-1-14 or any other statute.

10 (d) An ordinance adopted under this subsection takes effect July 1
11 of the year in which the ordinance is adopted.

12 (e) The county auditor shall record the votes taken on an ordinance
13 under this subsection and shall send a certified copy of the ordinance
14 to the department by certified mail not more than thirty (30) days after
15 the ordinance is adopted.

16 (f) **This subsection does not apply to an ordinance to decrease a**
17 **county option income tax rate imposed under section 27, 28, 29, or**
18 **30 of this chapter.** Notwithstanding IC 6-3.5-7, a county income tax
19 council that decreases the county option income tax in a year may not
20 in the same year adopt or increase the county economic development
21 income tax under IC 6-3.5-7.

22 SECTION 39. IC 6-3.5-6-14 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. If for any
24 taxable year a county taxpayer **or corporation** is subject to different
25 tax rates for the county option income tax imposed by a particular
26 county, the taxpayer's county option income tax rate for that county and
27 that taxable year is the rate determined in the last STEP of the
28 following STEPS:

29 STEP ONE: Multiply the number of months in the taxpayer's
30 taxable year that precede July 1 by the rate in effect before the
31 rate change.

32 STEP TWO: Multiply the number of months in the taxpayer's
33 taxable year that follow June 30 by the rate in effect after the rate
34 change.

35 STEP THREE: Divide the sum of the amounts determined under
36 STEPS ONE and TWO by twelve (12).

37 SECTION 40. IC 6-3.5-6-17, AS AMENDED BY P.L.207-2005,
38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 17. (a) Revenue derived from the imposition
40 of the county option income tax shall, in the manner prescribed by this
41 section, be distributed to the county that imposed it. The amount that
42 is to be distributed to a county during an ensuing calendar year equals

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1 the amount of county option income tax revenue that the department,
 2 after reviewing the recommendation of the budget agency, determines
 3 has been:

4 (1) received from that county for a taxable year ending in a
 5 calendar year preceding the calendar year in which the
 6 determination is made; and

7 (2) reported on an annual return or amended return processed by
 8 the department in the state fiscal year ending before July 1 of the
 9 calendar year in which the determination is made;

10 as adjusted (as determined after review of the recommendation of the
 11 budget agency) for refunds of county option income tax made in the
 12 state fiscal year.

13 (b) Before August 2 of each calendar year, the department, after
 14 reviewing the recommendation of the budget agency, shall certify to the
 15 county auditor of each adopting county the amount determined under
 16 subsection (a) plus the amount of interest in the county's account that
 17 has accrued and has not been included in a certification made in a
 18 preceding year. The amount certified is the county's "certified
 19 distribution" for the immediately succeeding calendar year. The amount
 20 certified shall be adjusted, as necessary, under subsections (c), (d), and
 21 (e). The department shall provide with the certification an informative
 22 summary of the calculations used to determine the certified
 23 distribution. **The department shall include with the certification**
 24 **information concerning the part of the certified distribution that**
 25 **is available for the purposes of section 30 of this chapter. The**
 26 **department shall certify to the department of local government**
 27 **finance the part of the certified distribution that is available in a**
 28 **county for credits under section 30 of this chapter at the same time**
 29 **that the department certifies the total certified distribution to the**
 30 **county auditor.**

31 (c) The department shall certify an amount less than the amount
 32 determined under subsection (b) if the department, after reviewing the
 33 recommendation of the budget agency, determines that the reduced
 34 distribution is necessary to offset overpayments made in a calendar
 35 year before the calendar year of the distribution. The department, after
 36 reviewing the recommendation of the budget agency, may reduce the
 37 amount of the certified distribution over several calendar years so that
 38 any overpayments are offset over several years rather than in one (1)
 39 lump sum.

40 (d) The department, after reviewing the recommendation of the
 41 budget agency, shall adjust the certified distribution of a county to
 42 correct for any clerical or mathematical errors made in any previous

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1 certification under this section. The department, after reviewing the
 2 recommendation of the budget agency, may reduce the amount of the
 3 certified distribution over several calendar years so that any adjustment
 4 under this subsection is offset over several years rather than in one (1)
 5 lump sum.

6 (e) This subsection applies to a county that:

7 (1) initially imposed the county option income tax; or

8 (2) increases the county option income tax rate;

9 under this chapter in the same calendar year in which the department
 10 makes a certification under this section. The department, after
 11 reviewing the recommendation of the budget agency, shall adjust the
 12 certified distribution of a county to provide for a distribution in the
 13 immediately following calendar year and in each calendar year
 14 thereafter. The department shall provide for a full transition to
 15 certification of distributions as provided in subsection (a)(1) through
 16 (a)(2) in the manner provided in subsection (c).

17 (f) One-twelfth (1/12) of each adopting county's certified
 18 distribution for a calendar year shall be distributed from its account
 19 established under section 16 of this chapter to the appropriate county
 20 treasurer on the first day of each month of that calendar year.

21 (g) Upon receipt, each monthly payment of a county's certified
 22 distribution shall be allocated among, distributed to, and used by the
 23 civil taxing units of the county as provided in sections 18 and 19 of this
 24 chapter.

25 (h) All distributions from an account established under section 16
 26 of this chapter shall be made by warrants issued by the auditor of state
 27 to the treasurer of state ordering the appropriate payments.

28 SECTION 41. IC 6-3.5-6-18, AS AMENDED BY P.L.162-2006,
 29 SECTION 31, AND AS AMENDED BY P.L.184-2006, SECTION 6,
 30 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The revenue a county
 32 auditor receives under this chapter shall be used to:

33 (1) replace the amount, if any, of property tax revenue lost due to
 34 the allowance of an increased homestead credit within the county;

35 (2) fund the operation of a public communications system and
 36 computer facilities district as provided in an election, if any, made
 37 by the county fiscal body under IC 36-8-15-19(b);

38 (3) fund the operation of a public transportation corporation as
 39 provided in an election, if any, made by the county fiscal body
 40 under IC 36-9-4-42;

41 (4) make payments permitted under IC 36-7-15.1-17.5;

42 (5) make payments permitted under subsection (i);

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1 (6) make distributions of distributive shares to the civil taxing
 2 units of a county; and
 3 (7) make the distributions permitted under ~~section~~ sections 27, 28,
 4 ~~and~~ 29, **and 30** of this chapter.

5 (b) The county auditor shall retain from the payments of the county's
 6 certified distribution, an amount equal to the revenue lost, if any, due
 7 to the increase of the homestead credit within the county. This money
 8 shall be distributed to the civil taxing units and school corporations of
 9 the county as though they were property tax collections and in such a
 10 manner that no civil taxing unit or school corporation shall suffer a net
 11 revenue loss due to the allowance of an increased homestead credit.

12 (c) The county auditor shall retain:
 13 (1) the amount, if any, specified by the county fiscal body for a
 14 particular calendar year under subsection (i), IC 36-7-15.1-17.5,
 15 IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified
 16 distribution for that same calendar year; and
 17 (2) the amount of an additional tax rate imposed under section 27,
 18 28, ~~or~~ 29, **or 30** of this chapter.

19 The county auditor shall distribute amounts retained under this
 20 subsection to the county.

21 (d) All certified distribution revenues that are not retained and
 22 distributed under subsections (b) and (c) shall be distributed to the civil
 23 taxing units of the county as distributive shares.

24 (e) The amount of distributive shares that each civil taxing unit in
 25 a county is entitled to receive during a month equals the product of the
 26 following:
 27 (1) The amount of revenue that is to be distributed as distributive
 28 shares during that month; multiplied by
 29 (2) A fraction. The numerator of the fraction equals the allocation
 30 amount for the civil taxing unit for the calendar year in which the
 31 month falls. The denominator of the fraction equals the sum of the
 32 allocation amounts of all the civil taxing units of the county for
 33 the calendar year in which the month falls.

34 (f) The department of local government finance shall provide each
 35 county auditor with the fractional amount of distributive shares that
 36 each civil taxing unit in the auditor's county is entitled to receive
 37 monthly under this section.

38 (g) Notwithstanding subsection (e), if a civil taxing unit of an
 39 adopting county does not impose a property tax levy that is first due
 40 and payable in a calendar year in which distributive shares are being
 41 distributed under this section, that civil taxing unit is entitled to receive
 42 a part of the revenue to be distributed as distributive shares under this

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1 section within the county. The fractional amount such a civil taxing
 2 unit is entitled to receive each month during that calendar year equals
 3 the product of the following:

4 (1) The amount to be distributed as distributive shares during that
 5 month; multiplied by

6 (2) A fraction. The numerator of the fraction equals the budget of
 7 that civil taxing unit for that calendar year. The denominator of
 8 the fraction equals the aggregate budgets of all civil taxing units
 9 of that county for that calendar year.

10 (h) If for a calendar year a civil taxing unit is allocated a part of a
 11 county's distributive shares by subsection (g), then the formula used in
 12 subsection (e) to determine all other civil taxing units' distributive
 13 shares shall be changed each month for that same year by reducing the
 14 amount to be distributed as distributive shares under subsection (e) by
 15 the amount of distributive shares allocated under subsection (g) for that
 16 same month. The department of local government finance shall make
 17 any adjustments required by this subsection and provide them to the
 18 appropriate county auditors.

19 (i) Notwithstanding any other law, **except section 30 of this**
 20 **chapter**, a county fiscal body may pledge revenues received under this
 21 chapter to the payment of bonds or lease rentals to finance a qualified
 22 economic development tax project under IC 36-7-27 in that county or
 23 in any other county if the county fiscal body determines that the project
 24 will promote significant opportunities for the gainful employment or
 25 retention of employment of the county's residents.

26 SECTION 42. IC 6-3.5-6-26 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) **Subject to**
 28 **section 30 of this chapter**, a pledge of county option income tax
 29 revenues under this chapter is enforceable in accordance with
 30 IC 5-1-14.

31 (b) With respect to obligations for which a pledge has been made
 32 under this chapter, the general assembly covenants with the county and
 33 the purchasers or owners of those obligations that this chapter will not
 34 be repealed or amended in any manner that will adversely affect the tax
 35 collected under this chapter as long as the principal of or interest on
 36 those obligations is unpaid.

37 SECTION 43. IC 6-3.5-6-30 IS ADDED TO THE INDIANA CODE
 38 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: **Sec. 30. (a) The definitions in IC 6-1.1-1,**
 40 **IC 6-1.1-20.6, and IC 6-1.1-20.9 and the following definitions apply**
 41 **throughout this section:**

42 (1) "Credit" refers to a credit against property tax liability of

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- taxpayers in a county that is established under this section.
- (2) "Certified distribution" refers to the part of the total certified distribution determined under section 17 of this chapter for a county in a particular year that is attributable to a tax rate imposed for the purposes of this section.
- (3) "County taxpayer", as it relates to a particular county, means any individual:
 - (A) who resides in the county on the date specified in section 20 of this chapter; or
 - (B) who maintains the individual's principal place of business or employment in that county on the date specified in section 20 of this chapter.
- (4) "Net total county tax levy" means the part of the total county tax levy imposed in a county on real property and tangible personal property, excluding business personal property (as defined in IC 6-1.1-21-2), for a particular year by civil taxing units and the school corporations, determined after subtracting the following:
 - (A) The eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for the county for that year.
 - (B) The amount of homestead credits provided under IC 6-1.1-20.9 that is certified for the county under IC 6-1.1-21-3.
- (5) "Nonresident county taxpayer", as it relates to a county for a year, means any county taxpayer for that county for that year who is not a resident county taxpayer of that county for that year.
- (6) "Ordinance" refers to an ordinance adopted to implement this section.
- (7) "Property tax" refers to the ad valorem property taxes imposed by the taxing units in the county.
- (8) "Property tax liability" means the tax liability, as described in IC 6-1.1-21-5, for the part of the net total county tax levy on which a credit is calculated under this section.
- (9) "Public safety" refers to the following:
 - (A) A police and law enforcement system to preserve public peace and order.
 - (B) A firefighting and fire prevention system.
 - (C) Emergency ambulance services (as defined in IC 16-18-2-107), except as part of a levy for a county hospital under IC 16-22 or a municipal hospital under IC 16-23.

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- 1 (D) Emergency medical services (as defined in
- 2 IC 16-18-2-110), except as part of a levy for a county
- 3 hospital under IC 16-22 or a municipal hospital under
- 4 IC 16-23.
- 5 (E) Emergency action (as defined in IC 13-11-2-65).
- 6 (F) A probation department of a court.
- 7 (G) Confinement, supervision, services under a community
- 8 corrections program (as defined in IC 35-38-2.6-2), or
- 9 other correctional services for a person who has been:
 - 10 (i) diverted before a final hearing or trial under an
 - 11 agreement that is between the county prosecuting
 - 12 attorney and the person or the person's custodian,
 - 13 guardian, or parent and that provides for confinement,
 - 14 supervision, community corrections services, or other
 - 15 correctional services instead of a final action described
 - 16 in item (ii) or (iii);
 - 17 (ii) convicted of a crime; or
 - 18 (iii) adjudicated as a delinquent child or a child in need
 - 19 of services in a facility.
- 20 (H) A juvenile detention facility under IC 31-31-8.
- 21 (I) A juvenile detention center under IC 31-31-9.
- 22 (J) A county jail.
- 23 (K) A communications system (as defined in IC 36-8-15-3)
- 24 or an enhanced emergency telephone system (as defined in
- 25 IC 36-8-16-2).
- 26 (L) A criminal justice or crime prevention system.
- 27 (M) Pension payments for any of the following:
 - 28 (i) A member of the fire department (as defined in
 - 29 IC 36-8-1-8) or any other employee of a fire department.
 - 30 (ii) A member of the police department (as defined in
 - 31 IC 36-8-1-9), a police chief hired under a waiver under
 - 32 IC 36-8-4-6.5, or any other employee hired by a police
 - 33 department.
 - 34 (iii) A county sheriff or any other member of the office of
 - 35 the county sheriff.
 - 36 (iv) Other personnel employed to provide a service
 - 37 described in this section.
- 38 (10) "Resident county taxpayer", as it relates to a particular
- 39 county, means any county taxpayer who resides in that county
- 40 on the date specified in section 20 of this chapter.
- 41 (11) "Tax rate" refers to a county option income tax rate
- 42 imposed for the purposes of this section.

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(12) "Total county tax levy" has the meaning set forth in IC 6-1.1-21-2.

(b) A county income tax council may adopt an ordinance to establish a county option income tax rate against the adjusted gross income of county taxpayers and corporations for the purposes of this section. The tax rate may be established in any increment of one hundredth percent (0.01%). The maximum tax rate on resident county taxpayers may not exceed one percent (1%). The tax rate that is in effect for nonresident county taxpayers of a county is one-fourth (1/4) of the tax rate imposed upon resident county taxpayers, rounded to the nearest one hundredth percent (0.01%). The tax rate that is in effect for corporations is the same as the tax rate imposed on resident county taxpayers of the county. A county taxpayer whose principal place of business or employment is a county other than the county in which the taxpayer is a resident county taxpayer is entitled to a credit against the county where the taxpayer is a county resident taxpayer. The amount of the credit is equal to the county option income tax imposed under this section on the taxpayer's adjusted gross income in the county where the taxpayer has the taxpayer's principal place of business or employment. Notwithstanding section 8 of this chapter, an ordinance adopting a tax rate for the purposes of this section may be adopted in 2007 before July 1, 2007. An ordinance adopted in 2007 after March 31, 2007, and before June 1, 2007, takes effect July 1, 2007. An ordinance adopted in 2007 after May 31, 2007, takes effect August 1, 2007. For purposes of computing the maximum income tax rate that may be imposed in a county under sections 8 and 9 of this chapter, the county's option income tax rate does not include that part of the county option income tax rate levy imposed for the purposes of this section.

(c) At least sixty percent (60%) of the certified distribution attributable to the tax rate imposed on county taxpayers under this section, as specified in an ordinance, is allocated for the purposes of providing:

- (1) a homestead credit percentage against the part of the net total county tax levy imposed by civil taxing units and school corporations on homesteads; or
 - (2) a property tax replacement credit percentage against the part of the net total county tax levy imposed by civil taxing units and school corporations on tangible property;
- or both, as determined under the ordinance adopted by the county option income tax council. If an ordinance does not specify the

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1 percentage of a certified distribution that is to be used as credits,
 2 the county shall be treated as having elected to allocate sixty
 3 percent (60%) of a certified distribution for credits. One hundred
 4 percent (100%) of the certified distribution attributable to the tax
 5 rate imposed on corporations must be allocated for the purposes of
 6 providing a homestead credit percentage against the part of the net
 7 total county tax levy imposed by civil taxing units and school
 8 corporation on homesteads. A credit must be uniformly applied to
 9 all property eligible for the credit. If a county income tax council
 10 establishes both a homestead credit and a property tax
 11 replacement credit for the same year, the ordinance must designate
 12 the percentage of the certified distribution that must be used for
 13 each credit. The county income tax council may adopt, increase,
 14 decrease, or rescind the amount allocated to a particular credit
 15 using the procedures described in this chapter for the adoption,
 16 increase, decrease, or rescission of a county option income tax.

17 (d) A taxpayer to which an ordinance under this section applies
 18 is entitled to a credit in each year in which a certified distribution
 19 is made to the county. The credit shall be applied after applying
 20 any credits granted in the county under IC 6-1.1-20.9,
 21 IC 6-1.1-21-5, section 13 of this chapter, IC 6-3.5-7-23, and
 22 IC 6-3.5-7-26. The credit is the percentage of property tax liability
 23 covered by the ordinance that is certified to the county auditor by
 24 the department of local government finance. The department of
 25 local government finance shall establish a credit percentage that
 26 the department of local government finance estimates will result in
 27 that granting of an aggregate total of credits for a year that is
 28 equal to the certified distribution that is allocated for the purposes
 29 of granting the credit.

30 (e) The county treasurer shall distribute the certified
 31 distribution in equal installments at the same time that
 32 distributions are made to civil taxing units under section 18(e) or
 33 18.5 of this chapter. The certified distribution shall be allocated as
 34 follows:

- 35 (1) The part of the certified distribution for a year that is
 36 allocated to providing credits in the county shall be allocated
 37 to the civil taxing units and school corporations in the county
 38 in such a manner that no civil taxing unit or school
 39 corporation will suffer a net revenue loss because of the
 40 allowance of credits under this section.
- 41 (2) The part of the certified distribution for a year that is not
 42 allocated to providing credits shall be allocated to the civil

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1 taxing units in the county in proportion to the amount by
2 which the amount budgeted by each civil taxing unit in the
3 year for public safety personal services and other public
4 safety operating expenses exceeds the amount expended for
5 public safety personal services and other public safety
6 operating expenses in 2007, as certified by the department of
7 local government finance.

8 (f) An allocation under subsection (e)(1) shall be treated as a
9 part of the receiving civil taxing unit's or school corporation's
10 property tax levy for that year for purposes of fixing its budget and
11 for purposes of the property tax levy limits imposed by
12 IC 6-1.1-18.5, IC 20-45, or any other law. An allocation under
13 subsection (e)(1) shall be apportioned among the funds of a civil
14 taxing unit or school corporation in proportion to the part of the
15 net total county tax levy that is imposed for each fund. If the
16 aggregate total of credits granted in a county in a particular year
17 is less than the certified distribution for the year that is available
18 for credits, the excess certified distribution allocated to a civil
19 taxing unit or school corporation shall be deposited in the civil
20 taxing unit's or school corporation's excess levy fund and be used
21 in the same manner as excess levies deposited in the fund.

22 (g) An allocation under subsection (e)(2) shall be treated as
23 additional revenue for the purpose of fixing a civil taxing unit's
24 budget for the year in which the allocation will be received. The
25 allocation under subsection (e)(2) may be appropriated and used
26 only for expenditures for:

27 (1) personal services for public safety, including payments for
28 salaries and wages to officers and employees of the civil taxing
29 unit (either regular or temporary), payments for
30 compensation awards, and the employer's share of Social
31 Security, health insurance, life insurance, dental insurance,
32 vision insurance, deferred compensation - employer match,
33 leave conversion, disability, and retirement fund
34 contributions; and

35 (2) other operating expenses for public safety, including
36 payments for services other than personal services, services
37 by contract, supplies, materials, and parts, grants, subsidies,
38 refunds, awards, travel, machinery, implements, tools,
39 furniture, or other equipment;

40 that exceed the amount expended for public safety personal
41 services and other public safety operating expenses in 2007. If the
42 total of all additional public safety expenditures and other public

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1 safety operating expenditures budgeted in a county in a particular
 2 year is less than forty percent (40%) of the certified distribution
 3 for the year, the excess shall be allocated among the civil taxing
 4 units in the county in proportion to the amount budgeted for public
 5 safety personal expenses and other public safety operating
 6 expenses of each civil taxing unit, as certified by the department of
 7 local government finance, and deposited in the civil taxing unit's or
 8 school corporation's excess levy fund for the purpose of being used
 9 in the same manner as excess levies deposited in the fund. The tax
 10 rate may not be pledged for any purpose that would otherwise be
 11 permitted by IC 5-1-14 or another statute. A pledge of county
 12 adjusted gross income taxes does not apply to the certified
 13 distribution from a tax rate imposed for the purposes of this
 14 section.

15 SECTION 44. IC 6-3.5-7-5, AS AMENDED BY P.L.162-2006,
 16 SECTION 33, AND AS AMENDED BY P.L.184-2006, SECTION 8,
 17 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in
 19 subsection (c), the county economic development income tax may be
 20 imposed on the adjusted gross income of county taxpayers. The entity
 21 that may impose the tax is:

- 22 (1) the county income tax council (as defined in IC 6-3.5-6-1) if
- 23 the county option income tax is in effect on January 1 of the year
- 24 the county economic development income tax is imposed;
- 25 (2) the county council if the county adjusted gross income tax is
- 26 in effect on January 1 of the year the county economic
- 27 development tax is imposed; or
- 28 (3) the county income tax council or the county council,
- 29 whichever acts first, for a county not covered by subdivision (1)
- 30 or (2).

31 To impose the county economic development income tax, a county
 32 income tax council shall use the procedures set forth in IC 6-3.5-6
 33 concerning the imposition of the county option income tax.

34 (b) Except as provided in subsections (c), (g), (k), (p), and (r) the
 35 county economic development income tax may be imposed at a rate of:

- 36 (1) one-tenth percent (0.1%);
- 37 (2) two-tenths percent (0.2%);
- 38 (3) twenty-five hundredths percent (0.25%);
- 39 (4) three-tenths percent (0.3%);
- 40 (5) thirty-five hundredths percent (0.35%);
- 41 (6) four-tenths percent (0.4%);
- 42 (7) forty-five hundredths percent (0.45%); or

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- 1 (8) five-tenths percent (0.5%);
 2 on the adjusted gross income of county taxpayers.
- 3 (c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o),
 4 (p), ~~(s)~~, ~~(v)~~, **or (w)**, the county economic development income tax
 5 rate plus the county adjusted gross income tax rate, if any, that are in
 6 effect on January 1 of a year may not exceed one and twenty-five
 7 hundredths percent (1.25%). Except as provided in subsection (g), (p),
 8 (r), (t), ~~(u)~~, **or (w)**, the county economic development tax rate plus
 9 the county option income tax rate, if any, that are in effect on January
 10 1 of a year may not exceed one percent (1%).
- 11 (d) To impose, increase, decrease, or rescind the county economic
 12 development income tax, the appropriate body must, after January 1 but
 13 before April 1 of a year, adopt an ordinance. The ordinance to impose
 14 the tax must substantially state the following:
 15 "The _____ County _____ imposes the county economic
 16 development income tax on the county taxpayers of _____
 17 County. The county economic development income tax is imposed at
 18 a rate of _____ percent (____%) on the county taxpayers of the
 19 county. This tax takes effect July 1 of this year."
 20 (e) Any ordinance adopted under this chapter takes effect July 1 of
 21 the year the ordinance is adopted.
- 22 (f) The auditor of a county shall record all votes taken on ordinances
 23 presented for a vote under the authority of this chapter and shall, not
 24 more than ten (10) days after the vote, send a certified copy of the
 25 results to the commissioner of the department by certified mail.
- 26 (g) This subsection applies to a county having a population of more
 27 than one hundred forty-eight thousand (148,000) but less than one
 28 hundred seventy thousand (170,000). Except as provided in subsection
 29 (p), in addition to the rates permitted by subsection (b), the:
 30 (1) county economic development income tax may be imposed at
 31 a rate of:
 32 (A) fifteen-hundredths percent (0.15%);
 33 (B) two-tenths percent (0.2%); or
 34 (C) twenty-five hundredths percent (0.25%); and
 35 (2) county economic development income tax rate plus the county
 36 option income tax rate that are in effect on January 1 of a year
 37 may equal up to one and twenty-five hundredths percent (1.25%);
 38 if the county income tax council makes a determination to impose rates
 39 under this subsection and section 22 of this chapter.
- 40 (h) For a county having a population of more than forty-one
 41 thousand (41,000) but less than forty-three thousand (43,000), except
 42 as provided in subsection (p), the county economic development

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1 income tax rate plus the county adjusted gross income tax rate that are
 2 in effect on January 1 of a year may not exceed one and thirty-five
 3 hundredths percent (1.35%) if the county has imposed the county
 4 adjusted gross income tax at a rate of one and one-tenth percent (1.1%)
 5 under IC 6-3.5-1.1-2.5.

6 (i) For a county having a population of more than thirteen thousand
 7 five hundred (13,500) but less than fourteen thousand (14,000), except
 8 as provided in subsection (p), the county economic development
 9 income tax rate plus the county adjusted gross income tax rate that are
 10 in effect on January 1 of a year may not exceed one and fifty-five
 11 hundredths percent (1.55%).

12 (j) For a county having a population of more than seventy-one
 13 thousand (71,000) but less than seventy-one thousand four hundred
 14 (71,400), except as provided in subsection (p), the county economic
 15 development income tax rate plus the county adjusted gross income tax
 16 rate that are in effect on January 1 of a year may not exceed one and
 17 five-tenths percent (1.5%).

18 (k) This subsection applies to a county having a population of more
 19 than twenty-seven thousand four hundred (27,400) but less than
 20 twenty-seven thousand five hundred (27,500). Except as provided in
 21 subsection (p), in addition to the rates permitted under subsection (b):

- 22 (1) the county economic development income tax may be imposed
 23 at a rate of twenty-five hundredths percent (0.25%); and
 24 (2) the sum of the county economic development income tax rate
 25 and the county adjusted gross income tax rate that are in effect on
 26 January 1 of a year may not exceed one and five-tenths percent
 27 (1.5%);

28 if the county council makes a determination to impose rates under this
 29 subsection and section 22.5 of this chapter.

30 (l) For a county having a population of more than twenty-nine
 31 thousand (29,000) but less than thirty thousand (30,000), except as
 32 provided in subsection (p), the county economic development income
 33 tax rate plus the county adjusted gross income tax rate that are in effect
 34 on January 1 of a year may not exceed one and five-tenths percent
 35 (1.5%).

36 (m) For:

- 37 (1) a county having a population of more than one hundred
 38 eighty-two thousand seven hundred ninety (182,790) but less than
 39 two hundred thousand (200,000); or
 40 (2) a county having a population of more than forty-five thousand
 41 (45,000) but less than forty-five thousand nine hundred (45,900);
 42 except as provided in subsection (p), the county economic development

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1 income tax rate plus the county adjusted gross income tax rate that are
2 in effect on January 1 of a year may not exceed one and five-tenths
3 percent (1.5%).

4 (n) For a county having a population of more than six thousand
5 (6,000) but less than eight thousand (8,000), except as provided in
6 subsection (p), the county economic development income tax rate plus
7 the county adjusted gross income tax rate that are in effect on January
8 1 of a year may not exceed one and five-tenths percent (1.5%).

9 (o) This subsection applies to a county having a population of more
10 than thirty-nine thousand (39,000) but less than thirty-nine thousand
11 six hundred (39,600). Except as provided in subsection (p), in addition
12 to the rates permitted under subsection (b):

13 (1) the county economic development income tax may be imposed
14 at a rate of twenty-five hundredths percent (0.25%); and

15 (2) the sum of the county economic development income tax rate
16 and:

17 (A) the county adjusted gross income tax rate that are in effect
18 on January 1 of a year may not exceed one and five-tenths
19 percent (1.5%); or

20 (B) the county option income tax rate that are in effect on
21 January 1 of a year may not exceed one and twenty-five
22 hundredths percent (1.25%);

23 if the county council makes a determination to impose rates under this
24 subsection and section 24 of this chapter.

25 (p) In addition:

26 (1) the county economic development income tax may be imposed
27 at a rate that exceeds by not more than twenty-five hundredths
28 percent (0.25%) the maximum rate that would otherwise apply
29 under this section; and

30 (2) the:

31 (A) county economic development income tax; and

32 (B) county option income tax or county adjusted gross income
33 tax;

34 may be imposed at combined rates that exceed by not more than
35 twenty-five hundredths percent (0.25%) the maximum combined
36 rates that would otherwise apply under this section.

37 However, the additional rate imposed under this subsection may not
38 exceed the amount necessary to mitigate the increased ad valorem
39 property taxes on homesteads (as defined in IC 6-1.1-20.9-1) *or*
40 *residential property (as defined in section 26 of this chapter), as*
41 *appropriate under the ordinance adopted by the adopting body in the*
42 *county, resulting from the deduction of the assessed value of inventory*

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1 in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

2 (q) If the county economic development income tax is imposed as
3 authorized under subsection (p) at a rate that exceeds the maximum
4 rate that would otherwise apply under this section, the certified
5 distribution must be used for the purpose provided in section 25(e) or
6 26 of this chapter to the extent that the certified distribution results
7 from the difference between:

- 8 (1) the actual county economic development tax rate; and
9 (2) the maximum rate that would otherwise apply under this
10 section.

11 (r) This subsection applies only to a county described in section 27
12 of this chapter. Except as provided in subsection (p), in addition to the
13 rates permitted by subsection (b), the:

- 14 (1) county economic development income tax may be imposed at
15 a rate of twenty-five hundredths percent (0.25%); and
16 (2) county economic development income tax rate plus the county
17 option income tax rate that are in effect on January 1 of a year
18 may equal up to one and twenty-five hundredths percent (1.25%);
19 if the county council makes a determination to impose rates under this
20 subsection and section 27 of this chapter.

21 (s) Except as provided in subsection (p), the county economic
22 development income tax rate plus the county adjusted gross income tax
23 rate that are in effect on January 1 of a year may not exceed one and
24 five-tenths percent (1.5%) if the county has imposed the county
25 adjusted gross income tax under IC 6-3.5-1.1-3.3.

26 (t) This subsection applies to Howard County. Except as provided
27 in subsection (p), the sum of the county economic development income
28 tax rate and the county option income tax rate that are in effect on
29 January 1 of a year may not exceed one and twenty-five hundredths
30 percent (1.25%).

31 (u) This subsection applies to Scott County. Except as provided in
32 subsection (p), the sum of the county economic development income
33 tax rate and the county option income tax rate that are in effect on
34 January 1 of a year may not exceed one and twenty-five hundredths
35 percent (1.25%).

36 (v) *This subsection applies to Jasper County. Except as provided in*
37 *subsection (p), the sum of the county economic development income tax*
38 *rate and the county adjusted gross income tax rate that are in effect on*
39 *January 1 of a year may not exceed one and five-tenths percent (1.5%).*

40 **(w) The income tax rate limits imposed by subsection (c) do not**
41 **apply to:**

- 42 **(1) a county adjusted gross income tax rate imposed under**

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1 **IC 6-3.5-1.1-24; or**
2 **(2) a county option income tax rate imposed under**
3 **IC 6-3.5-6-30.**

4 **For purposes of computing the maximum combined income tax**
5 **rate under subsection (c) that may be imposed in a county under**
6 **IC 6-3.5-1.1, IC 6-3.5-6, and this chapter, a county's county**
7 **adjusted gross income tax rate or county option income tax rate for**
8 **a particular gross year does not include that part of the county adjusted**
9 **gross income tax rate imposed under IC 6-3.5-1.1-24 or the county**
10 **option income tax rate levy imposed under IC 6-3.5-6-30.**

11 SECTION 45. IC 6-3.5-7-13.1, AS AMENDED BY P.L.47-2006,
12 SECTION 4, AND AS AMENDED BY P.L.137-2006, SECTION 11,
13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JANUARY 1, 2008]: Sec. 13.1. (a) The fiscal officer of
15 each county, city, or town for a county in which the county economic
16 development tax is imposed shall establish an economic development
17 income tax fund. Except as provided in sections 23, 25, 26, and 27 of
18 this chapter, the revenue received by a county, city, or town under this
19 chapter shall be deposited in the unit's economic development income
20 tax fund.

21 (b) Except as provided in sections 15, 23, 25, 26, and 27 of this
22 chapter, revenues from the county economic development income tax
23 may be used as follows:

24 (1) By a county, city, or town for economic development projects,
25 for paying, notwithstanding any other law, under a written
26 agreement all or a part of the interest owed by a private developer
27 or user on a loan extended by a financial institution or other
28 lender to the developer or user if the proceeds of the loan are or
29 are to be used to finance an economic development project, for
30 the retirement of bonds under section 14 of this chapter for
31 economic development projects, for leases under section 21 of
32 this chapter, or for leases or bonds entered into or issued prior to
33 the date the economic development income tax was imposed if
34 the purpose of the lease or bonds would have qualified as a
35 purpose under this chapter at the time the lease was entered into
36 or the bonds were issued.

37 (2) By a county, city, or town for:

38 (A) the construction or acquisition of, or remedial action with
39 respect to, a capital project for which the unit is empowered to
40 issue general obligation bonds or establish a fund under any
41 statute listed in IC 6-1.1-18.5-9.8;

42 (B) the retirement of bonds issued under any provision of

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1 Indiana law for a capital project;
 2 (C) the payment of lease rentals under any statute for a capital
 3 project;
 4 (D) contract payments to a nonprofit corporation whose
 5 primary corporate purpose is to assist government in planning
 6 and implementing economic development projects;
 7 (E) operating expenses of a governmental entity that plans or
 8 implements economic development projects;
 9 (F) to the extent not otherwise allowed under this chapter,
 10 funding substance removal or remedial action in a designated
 11 unit; or
 12 (G) funding of a revolving fund established under
 13 IC 5-1-14-14.
 14 ~~(3) By a county, city, or town for any lawful purpose for which~~
 15 ~~money in any of its other funds may be used.~~
 16 ~~(4)~~ (3) By a city or county described in IC 36-7.5-2-3(b) for
 17 making transfers required by IC 36-7.5-4-2. If the county
 18 economic development income tax rate is increased after April
 19 30, 2005, in a county having a population of more than one
 20 hundred forty-five thousand (145,000) but less than one hundred
 21 forty-eight thousand (148,000), the first three million five
 22 hundred thousand dollars (\$3,500,000) of the tax revenue that
 23 results each year from the tax rate increase shall be used by the
 24 county only to make the county's transfer required by
 25 IC 36-7.5-4-2. The first three million five hundred thousand
 26 dollars (\$3,500,000) of the tax revenue that results each year from
 27 the tax rate increase shall be paid by the county treasurer to the
 28 treasurer of the northwest Indiana regional development authority
 29 under IC 36-7.5-4-2 before certified distributions are made to the
 30 county or any cities or towns in the county under this chapter from
 31 the tax revenue that results each year from the tax rate increase.
 32 In a county having a population of more than one hundred
 33 forty-five thousand (145,000) but less than one hundred
 34 forty-eight thousand (148,000), all of the tax revenue that results
 35 each year from the tax rate increase that is in excess of the first
 36 three million five hundred thousand dollars (\$3,500,000) that
 37 results each year from the tax rate increase must be used by the
 38 county and cities and towns in the county for additional
 39 homestead credits under subdivision ~~(5)~~: (4).
 40 ~~(5)~~ (4) This subdivision applies only in a county having a
 41 population of more than one hundred forty-five thousand
 42 (145,000) but less than one hundred forty-eight thousand

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1 (148,000). Except as otherwise provided, the procedures and
 2 definitions in IC 6-1.1-20.9 apply to this subdivision. All of the
 3 tax revenue that results each year from a tax rate increase
 4 described in subdivision ~~(4)~~ (3) that is in excess of the first three
 5 million five hundred thousand dollars (\$3,500,000) that results
 6 each year from the tax rate increase must be used by the county
 7 and cities and towns in the county for additional homestead
 8 credits under this subdivision. The following apply to additional
 9 homestead credits provided under this subdivision:

10 (A) The additional homestead credits must be applied
 11 uniformly to increase the homestead credit under IC 6-1.1-20.9
 12 for homesteads in the county, city, or town.

13 (B) The additional homestead credits shall be treated for all
 14 purposes as property tax levies. The additional homestead
 15 credits do not reduce the basis for determining the state
 16 property tax replacement credit under IC 6-1.1-21 or the state
 17 homestead credit under IC 6-1.1-20.9.

18 (C) The additional homestead credits shall be applied to the
 19 net property taxes due on the homestead after the application
 20 of all other assessed value deductions or property tax
 21 deductions and credits that apply to the amount owed under
 22 IC 6-1.1.

23 (D) The department of local government finance shall
 24 determine the additional homestead credit percentage for a
 25 particular year based on the amount of county economic
 26 development income tax revenue that will be used under this
 27 subdivision to provide additional homestead credits in that
 28 year.

29 ~~(6)~~ (5) This subdivision applies only in a county having a
 30 population of more than four hundred thousand (400,000) but less
 31 than seven hundred thousand (700,000). Except as otherwise
 32 provided, the procedures and definitions in IC 6-1.1-20.9 apply to
 33 this subdivision. A county or a city or town in the county may use
 34 county economic development income tax revenue to provide
 35 additional homestead credits in the county, city, or town. The
 36 following apply to additional homestead credits provided under
 37 this subdivision:

38 (A) The county, city, or town fiscal body must adopt an
 39 ordinance authorizing the additional homestead credits. The
 40 ordinance must:

41 (i) be adopted before September 1 of a year to apply to
 42 property taxes first due and payable in the following year;

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- 1 and
 2 (ii) specify the amount of county economic development
 3 income tax revenue that will be used to provide additional
 4 homestead credits in the following year.
- 5 (B) A county, city, or town fiscal body that adopts an
 6 ordinance under this subdivision must forward a copy of the
 7 ordinance to the county auditor and the department of local
 8 government finance not more than thirty (30) days after the
 9 ordinance is adopted.
- 10 (C) The additional homestead credits must be applied
 11 uniformly to increase the homestead credit under IC 6-1.1-20.9
 12 for homesteads in the county, city, or town.
- 13 (D) The additional homestead credits shall be treated for all
 14 purposes as property tax levies. The additional homestead
 15 credits do not reduce the basis for determining the state
 16 property tax replacement credit under IC 6-1.1-21 or the state
 17 homestead credit under IC 6-1.1-20.9.
- 18 (E) The additional homestead credits shall be applied to the
 19 net property taxes due on the homestead after the application
 20 of all other assessed value deductions or property tax
 21 deductions and credits that apply to the amount owed under
 22 IC 6-1.1.
- 23 (F) The department of local government finance shall
 24 determine the additional homestead credit percentage for a
 25 particular year based on the amount of county economic
 26 development income tax revenue that will be used under this
 27 subdivision to provide additional homestead credits in that
 28 year.
- 29 ~~(7)~~ (6) *For a regional venture capital fund established under*
 30 *section 13.5 of this chapter or a local venture capital fund*
 31 *established under section 13.6 of this chapter.*
- 32 (7) *This subdivision applies only to a county:*
- 33 (A) *that has a population of more than one hundred ten*
 34 *thousand (110,000) but less than one hundred fifteen thousand*
 35 *(115,000); and*
- 36 (B) *in which:*
- 37 (i) *the county fiscal body has adopted an ordinance under*
 38 *IC 36-7.5-2-3(e) providing that the county is joining the*
 39 *northwest Indiana regional development authority; and*
- 40 (ii) *the fiscal body of the city described in IC 36-7.5-2-3(e)*
 41 *has adopted an ordinance under IC 36-7.5-2-3(e) providing*
 42 *that the city is joining the development authority.*

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1 Revenue from the county economic development income tax may
 2 be used by a county or a city described in this subdivision for
 3 making transfers required by IC 36-7.5-4-2. In addition, if the
 4 county economic development income tax rate is increased after
 5 June 30, 2006, in the county, the first three million five hundred
 6 thousand dollars (\$3,500,000) of the tax revenue that results each
 7 year from the tax rate increase shall be used by the county only
 8 to make the county's transfer required by IC 36-7.5-4-2. The first
 9 three million five hundred thousand dollars (\$3,500,000) of the
 10 tax revenue that results each year from the tax rate increase shall
 11 be paid by the county treasurer to the treasurer of the northwest
 12 Indiana regional development authority under IC 36-7.5-4-2
 13 before certified distributions are made to the county or any cities
 14 or towns in the county under this chapter from the tax revenue
 15 that results each year from the tax rate increase. All of the tax
 16 revenue that results each year from the tax rate increase that is
 17 in excess of the first three million five hundred thousand dollars
 18 (\$3,500,000) that results each year from the tax rate increase
 19 must be used by the county and cities and towns in the county for
 20 additional homestead credits under subdivision (8).

21 (8) This subdivision applies only to a county described in
 22 subdivision (7). Except as otherwise provided, the procedures
 23 and definitions in IC 6-1.1-20.9 apply to this subdivision. All of
 24 the tax revenue that results each year from a tax rate increase
 25 described in subdivision (7) that is in excess of the first three
 26 million five hundred thousand dollars (\$3,500,000) that results
 27 each year from the tax rate increase must be used by the county
 28 and cities and towns in the county for additional homestead
 29 credits under this subdivision. The following apply to additional
 30 homestead credits provided under this subdivision:

31 (A) The additional homestead credits must be applied
 32 uniformly to increase the homestead credit under
 33 IC 6-1.1-20.9 for homesteads in the county, city, or town.

34 (B) The additional homestead credits shall be treated for all
 35 purposes as property tax levies. The additional homestead
 36 credits do not reduce the basis for determining the state
 37 property tax replacement credit under IC 6-1.1-21 or the state
 38 homestead credit under IC 6-1.1-20.9.

39 (C) The additional homestead credits shall be applied to the
 40 net property taxes due on the homestead after the application
 41 of all other assessed value deductions or property tax
 42 deductions and credits that apply to the amount owed under

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1 *IC 6-1.1.*

2 *(D) The department of local government finance shall*
 3 *determine the additional homestead credit percentage for a*
 4 *particular year based on the amount of county economic*
 5 *development income tax revenue that will be used under this*
 6 *subdivision to provide additional homestead credits in that*
 7 *year.*

8 (c) As used in this section, an economic development project is any
 9 project that:

10 (1) the county, city, or town determines will:

11 (A) promote significant opportunities for the gainful
 12 employment of its citizens;

13 (B) attract a major new business enterprise to the unit; or

14 (C) retain or expand a significant business enterprise within
 15 the unit; and

16 (2) involves an expenditure for:

17 (A) the acquisition of land;

18 (B) interests in land;

19 (C) site improvements;

20 (D) infrastructure improvements;

21 (E) buildings;

22 (F) structures;

23 (G) rehabilitation, renovation, and enlargement of buildings
 24 and structures;

25 (H) machinery;

26 (I) equipment;

27 (J) furnishings;

28 (K) facilities;

29 (L) administrative expenses associated with such a project,
 30 including contract payments authorized under subsection
 31 (b)(2)(D);

32 (M) operating expenses authorized under subsection (b)(2)(E);
 33 or

34 (N) to the extent not otherwise allowed under this chapter,
 35 substance removal or remedial action in a designated unit;

36 or any combination of these.

37 ~~(d) If there are bonds outstanding that have been issued under~~
 38 ~~section 14 of this chapter or leases in effect under section 21 of this~~
 39 ~~chapter, a county, city, or town may not expend money from its~~
 40 ~~economic development income tax fund for a purpose authorized under~~
 41 ~~subsection (b)(3) in a manner that would adversely affect owners of the~~
 42 ~~outstanding bonds or payment of any lease rentals due.~~

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1 SECTION 46. IC 8-14-9-10 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to
 3 the limitations imposed by this section, the local county road and
 4 bridge board may issue bonds in the name of the qualified county for
 5 the benefit of the local county road and bridge district. The bonds shall
 6 be issued for the purpose of raising money to acquire lands or
 7 rights-of-way, and to pay for any capital improvement, necessary for
 8 the construction, reconstruction, or operation of roads or bridges, or
 9 both, within the district. The local county road and bridge board may
 10 appropriate the proceeds of the bonds.

11 (b) The amount of bonds to be issued may not exceed the estimated
 12 cost of:

- 13 (1) all lands and rights-of-way to be acquired;
- 14 (2) capital improvements;
- 15 (3) supervision and inspection fees during the period of
 16 construction or reconstruction;
- 17 (4) programming, planning, and designing the capital
 18 improvements; and
- 19 (5) all necessary expenses, including publication of notices,
 20 engineering fees, architectural fees, and legal fees, incurred in
 21 acquiring property, letting contracts, and selling bonds for the
 22 project.

23 The amount of bonds issued for the project may not exceed the
 24 estimated cost determined under section 5(b) of this chapter. In
 25 addition, the amount of outstanding bonds issued by a county under
 26 this chapter may not exceed two percent (2%) of the adjusted value of
 27 taxable property located within the local county road and bridge district
 28 as determined under IC 36-1-15.

29 (c) The local county road and bridge board may issue bonds under
 30 this chapter only if the issuance of those bonds has been approved by:

- 31 (1) the county council of the qualified county; and
- 32 (2) the department of local government finance as required by
 33 IC 6-1.1-18.5-8 **(as effective before June 30, 1984)**.

34 (d) A local county road and bridge board may issue bonds under this
 35 chapter only if:

- 36 (1) the county motor vehicle excise surtax (IC 6-3.5-4) and the
 37 county wheel tax (IC 6-3.5-5) are in effect in the county in which
 38 the local county road and bridge district is located;
- 39 (2) the county motor vehicle excise surtax is being imposed at the
 40 maximum allowable rate; and
- 41 (3) the county in which the local county road and bridge district
 42 is located has not obtained a loan under IC 8-14-8.

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1 (e) No bonds may be issued under this section after June 30, 1984.
 2 SECTION 47. IC 8-14-9-12 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.]All bonds and
 4 interest on bonds issued under this chapter are exempt from taxation as
 5 provided under IC 6-8-5-1. All general laws relating to:

- 6 (1) the filing of a petition requesting the issuance of bonds;
 7 (2) the right of taxpayers to remonstrate against the issuance of
 8 bonds;
 9 (3) the appropriation of the proceeds of the bonds and the
 10 approval of the appropriation by the ~~department of local~~
 11 ~~government finance; local government capital project property~~
 12 **tax control board under IC 6-1.1-17.5**; and
 13 (4) the sale of bonds at public sale for not less than par value;

14 are applicable to proceedings under this chapter.

15 SECTION 48. IC 8-16-3.5-4 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. All contracts of
 17 lease may provide that a county has the option to purchase the bridge
 18 before the expiration of the lease contract, the terms and conditions of
 19 the purchase to be specified in the lease, subject to the approval of the
 20 ~~department of local government finance; local government capital~~
 21 **project property tax control board under IC 6-1.1-17.5**. If the
 22 county has not exercised an option to purchase the property covered by
 23 the lease contract at the expiration of the lease contract, and upon the
 24 full discharge and performance by the county of its obligations under
 25 the lease contract, the bridge covered by the lease contract shall
 26 become the absolute property of the county and the lessor corporation
 27 shall execute proper instruments conveying to the county title to the
 28 property.

29 SECTION 49. IC 8-16-3.5-7 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A county
 31 may, in anticipation of the construction of a bridge, make and enter into
 32 a contract of lease with the lessor corporation subject to the approval
 33 of the ~~department of local government finance; local government~~
 34 **capital project property tax control board under IC 6-1.1-17.5**,
 35 prior to the actual acquisition of a site and the construction of the
 36 bridge, but the contract of lease shall not provide for the payment of
 37 any lease rental by the lessee until the bridge is completed and ready
 38 for use, at which time the stipulated lease rental may begin.

39 (b) As a condition of entering into a lease, a county may require a
 40 lessor corporation to furnish a bond in a specified amount conditioned
 41 upon the completion of the bridge within a specified period of time.

42 SECTION 50. IC 8-22-3-16 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The board
 2 may issue general obligation bonds of the authority for the purpose of
 3 procuring funds to pay the cost of acquiring real property, or
 4 constructing, enlarging, improving, remodeling, repairing, or equipping
 5 buildings, structures, runways, or other facilities, for use as or in
 6 connection with or for administrative purposes of the airport. The
 7 issuance of the bonds must be authorized by ordinance of the board
 8 providing for the amount, terms, and tenor of the bonds and for the
 9 time and character of notice and the mode of making sale. If one (1)
 10 airport is owned by the authority, an ordinance authorizing the issuance
 11 of bonds for a separate second airport is subject to approval as provided
 12 in this section. The bonds bear interest and are payable at the times and
 13 places that the board determines but running not more than twenty-five
 14 (25) years after the date of their issuance, and they must be executed in
 15 the name of the authority by the president of the board and attested by
 16 the secretary who shall affix to each of the bonds the official seal of the
 17 authority. The interest coupons attached to the bonds may be executed
 18 by placing on them the facsimile signature of the president of the
 19 board.

20 (b) The issuance of general obligation bonds must be approved by
 21 resolution of the following body:

22 (1) When the authority is established by an eligible entity, by its
 23 fiscal body.

24 (2) When the authority is established by two (2) or more eligible
 25 entities acting jointly, by the fiscal body of each of those entities.

26 (3) When the authority was established under IC 19-6-2, by the
 27 mayor of the consolidated city, and if a second airport is to be
 28 funded, also by the city-county council.

29 (4) When the authority was established under IC 19-6-3, by the
 30 county council.

31 (c) The airport director shall manage and supervise the preparation,
 32 advertisement, and sale of the bonds, subject to the authorizing
 33 ordinance. Before the sale of the bonds, the airport director shall cause
 34 notice of the sale to be published once each week for two (2)
 35 consecutive weeks in two (2) newspapers of general circulation
 36 published in the district, setting out the time and place where bids will
 37 be received, the amount and maturity dates of the issue, the maximum
 38 interest rate, and the terms and conditions of sale and delivery of the
 39 bonds. The bonds shall be sold to the highest bidder, in accordance
 40 with the procedures for selling public bonds. After the bonds have been
 41 properly sold and executed, the airport director shall deliver them to the
 42 treasurer of the authority and take his receipt for them, and shall certify

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1 to the treasurer the amount which the purchaser is to pay for them,
 2 together with the name and address of the purchaser. On payment of
 3 the purchase price the treasurer shall deliver the bonds to the
 4 purchaser, and the treasurer and airport director or superintendent shall
 5 report their actions to the board.

6 (d) The provisions of IC 6-1.1-20 and IC 5-1 relating to the filing of
 7 a petition requesting the issuance of bonds and giving notice of them,
 8 the giving of notice of determination to issue bonds, the giving of
 9 notice of hearing on the appropriation of the proceeds of bonds and the
 10 right of taxpayers to appeal and be heard on the proposed
 11 appropriation, the approval of the appropriation by the ~~department of~~
 12 ~~local government finance~~, **local government capital project property**
 13 **tax control board under IC 6-1.1-17.5**, the right of taxpayers to
 14 remonstrate against the issuance of bonds, and the sale of bonds at
 15 public sale for not less than par value are applicable to proceedings
 16 under this chapter for the issuance of general obligation bonds.

17 (e) Bonds issued under this chapter are not a corporate obligation or
 18 indebtedness of any eligible entity but are an indebtedness of the
 19 authority as a municipal corporation. An action to question the validity
 20 of the bonds issued or to prevent their issue must be instituted not later
 21 than the date set for sale of the bonds, and all of the bonds after that
 22 date are incontestable.

23 SECTION 51. IC 8-22-3.6-3 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An authority
 25 that is located in a:

- 26 (1) city having a population of more than ninety thousand
 27 (90,000) but less than one hundred five thousand (105,000);
 28 (2) county having a population of more than one hundred five
 29 thousand (105,000) but less than one hundred ten thousand
 30 (110,000); or
 31 (3) county having a population of more than three hundred
 32 thousand (300,000) but less than four hundred thousand
 33 (400,000);

34 may enter into a lease of an airport project with a lessor for a term not
 35 to exceed fifty (50) years and the lease may provide for payments to be
 36 made by the airport authority from property taxes levied under
 37 IC 8-22-3-17, taxes allocated under IC 8-22-3.5-9, any other revenues
 38 available to the airport authority, or any combination of these sources.

39 (b) A lease may provide that payments by the authority to the lessor
 40 are required only to the extent and only for the period that the lessor is
 41 able to provide the leased facilities in accordance with the lease. The
 42 terms of each lease must be based upon the value of the facilities leased

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1 and may not create a debt of the authority or the eligible entity for
2 purposes of the Constitution of the State of Indiana.

3 (c) A lease may be entered into by the authority only after a public
4 hearing by the board at which all interested parties are provided the
5 opportunity to be heard. After the public hearing, the board may adopt
6 an ordinance authorizing the execution of the lease if it finds that the
7 service to be provided throughout the term of the lease will serve the
8 public purpose of the authority and is in the best interest of the
9 residents of the authority district.

10 (d) Upon execution of a lease providing for payments by the
11 authority in whole or in part from the levy of property taxes under
12 IC 8-22-3-17, the board shall publish notice of the execution of the
13 lease and its approval in accordance with IC 5-3-1. Fifty (50) or more
14 taxpayers residing in the authority district who will be affected by the
15 lease and who may be of the opinion that no necessity exists for the
16 execution of the lease or that the payments provided for in the lease are
17 not fair and reasonable may file a petition in the office of the county
18 auditor within thirty (30) days after the publication of the notice of
19 execution and approval. The petition must set forth the petitioners'
20 names, addresses, and objections to the lease and the facts showing that
21 the execution of the lease is unnecessary or unwise or that the
22 payments provided for in the lease are not fair and reasonable, as the
23 case may be.

24 (e) Upon the filing of a petition under subsection (d), the county
25 auditor shall immediately certify a copy of the petition, together with
26 any other data necessary to present the questions involved, to the
27 ~~department of local government finance~~ **local government capital**
28 **project property tax control board under IC 6-1.1-17.5**. Upon
29 receipt of the certified petition and information, the ~~department of local~~
30 ~~government finance~~ **local government capital project property tax**
31 **control board under IC 6-1.1-17.5** shall fix a time and place for a
32 hearing in the authority district, which must be not less than five (5) or
33 more than thirty (30) days after the time is fixed. Notice of the hearing
34 shall be given by the ~~department of local government finance~~ **local**
35 **government capital project property tax control board** to the
36 members of the board, and to the first fifty (50) petitioners on the
37 petition, by a letter signed by one (1) member of the ~~state board of tax~~
38 ~~commissioners~~ **local government capital project property tax**
39 **control board** and enclosed with fully prepaid postage sent to those
40 persons at their usual place of residence, at least five (5) days before
41 the date of the hearing. The decision of the ~~department of local~~
42 ~~government finance~~ **local government capital project property tax**

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1 **control board** on the appeal, upon the necessity for the execution of
2 the lease, and as to whether the payments under it are fair and
3 reasonable, is final.

4 (f) An authority entering into a lease payable from any sources
5 permitted under this chapter may:

6 (1) pledge the revenue to make payments under the lease pursuant
7 to IC 5-1-14-4; or

8 (2) establish a special fund to make the payments.

9 (g) Lease rentals may be limited to money in the special fund so that
10 the obligations of the airport authority to make the lease rental
11 payments are not considered debt of the unit or the district for purposes
12 of the Constitution of the State of Indiana.

13 (h) Except as provided in this section, no approvals of any
14 governmental body or agency are required before the authority enters
15 into a lease under this section.

16 (i) An action to contest the validity of the lease or to enjoin the
17 performance of any of its terms and conditions must be brought within
18 thirty (30) days after the later of:

19 (1) the public hearing described in subsection (c); or

20 (2) the publication of the notice of the execution and approval of
21 the lease described in subsection (d), if the lease is payable in
22 whole or in part from tax levies.

23 However, if the lease is payable in whole or in part from tax levies and
24 an appeal has been taken to the ~~department of local government~~
25 ~~finance; local government capital project property tax control~~
26 **board**, an action to contest the validity or enjoin the performance must
27 be brought within thirty (30) days after the decision of the ~~department~~
28 ~~of local government finance; local government capital project~~
29 **property tax control board**.

30 (j) If an authority exercises an option to buy an airport project from
31 a lessor, the authority may subsequently sell the airport project, without
32 regard to any other statute, to the lessor at the end of the lease term at
33 a price set forth in the lease or at fair market value established at the
34 time of the sale by the authority through auction, appraisal, or arms
35 length negotiation. If the airport project is sold at auction, after
36 appraisal, or through negotiation, the board shall conduct a hearing
37 after public notice in accordance with IC 5-3-1 before the sale. Any
38 action to contest the sale must be brought within fifteen (15) days of
39 the hearing.

40 SECTION 52. IC 12-19-5-1, AS AMENDED BY P.L.234-2005,
41 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JANUARY 1, 2008]: Sec. 1. (a) In addition to the other method of

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1 welfare financing provided by this article, the department may conduct
2 a public hearing to determine whether to recommend to a county to
3 borrow money under this chapter on a short term basis to fund:

- 4 ~~(1) child services under IC 12-19-7-1;~~
- 5 ~~(2) (1) children's psychiatric residential treatment services under~~
6 ~~IC 12-19-7.5; or~~
- 7 ~~(3) (2) other welfare services in the county payable from the~~
8 ~~family and children's fund or the children's psychiatric residential~~
9 ~~treatment services fund;~~

10 if the department determines that ~~the family and children's fund or the~~
11 ~~children's psychiatric residential treatment services fund will be~~
12 ~~exhausted before the end of a fiscal year.~~

13 (b) In the ~~the~~ hearing, the department must present facts that show
14 the following:

- 15 (1) That the amount of money in ~~the family and children's fund or~~
16 ~~the children's psychiatric residential treatment services fund will~~
17 ~~be insufficient to fund the appropriate services within the county~~
18 ~~under this article.~~
- 19 (2) The amount of money that the department estimates will be
20 needed to fund that deficit.

21 SECTION 53. IC 12-19-5-9, AS AMENDED BY P.L.234-2005,
22 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JANUARY 1, 2008]: Sec. 9. The department or a county fiscal body
24 may not do the following:

- 25 (1) Recommend or approve a request to borrow money made
26 under this chapter unless the body determines that ~~the family and~~
27 ~~children's fund or the children's psychiatric residential treatment~~
28 ~~services fund will be exhausted before the particular fund can~~
29 ~~fund all county obligations incurred under this article.~~
- 30 (2) Recommend or approve a loan that will exceed the amount of
31 the estimated deficit.

32 SECTION 54. IC 12-19-7-3, AS AMENDED BY P.L.234-2005,
33 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JANUARY 1, 2008]: Sec. 3. (a) A family and children's fund is
35 established in each county. ~~The fund shall be raised by a separate tax~~
36 ~~levy (the county family and children property tax levy) that:~~

- 37 ~~(1) is in addition to all other tax levies authorized; and~~
- 38 ~~(2) shall be levied annually by the county fiscal body on all~~
39 ~~taxable property in the county in the amount necessary to raise the~~
40 ~~part of the fund that the county must raise to pay the items;~~
41 ~~awards; claims; allowances; assistance; and other expenses set~~
42 ~~forth in the annual budget under section 6 of this chapter.~~

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1 (b) The tax imposed under this section shall be collected as other
2 state and county ad valorem taxes are collected.

3 (c) (b) The following shall be paid into the county treasury and
4 constitute the family and children's fund:

5 (1) All receipts from the tax imposed under this section 4 of this
6 chapter.

7 (2) All grants-in-aid, whether received from the federal
8 government or state government.

9 (3) **The amount distributed to a county auditor under section
10 35 of this chapter for the purpose of paying for child services.**

11 (4) Any other money required by law to be placed in the fund.

12 (d) (c) The fund is available for the purpose of paying expenses and
13 obligations set forth in the annual budget that is submitted and
14 approved.

15 (e) (d) Money in the fund at the end of a budget year does not revert
16 to the county general fund.

17 SECTION 55. IC 12-19-7-4, AS AMENDED BY P.L.234-2005,
18 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2008]: Sec. 4. (a) For taxes first due and payable in each
20 year after ~~2005~~, **2007**, each county shall impose a county family and
21 ~~children's~~ **children's fund** property tax levy **for the next fiscal year**
22 equal to the county family and children property tax levy necessary to
23 pay the costs of the child services of the county for the next fiscal year.
24 **amount determined under subsection (b), as certified by the**
25 **department of local government finance.**

26 (b) **A county shall annually impose under subsection (a) the**
27 **department of local government finance shall review each county's**
28 **property tax levy under this section and shall enforce the requirements**
29 **of this section with respect to that levy and comply with IC 6-1.1-17-3.**
30 **lesser of the amount determined under subsection (c) or (d).**

31 (c) **The amount determined under STEP TWO of the following**
32 **formula shall be determined for each county:**

33 **STEP ONE: Determine the costs incurred by the county for**
34 **child services in 2005 that were paid from property taxes**
35 **(including any balance in the county family and children's**
36 **fund on January 1, 2005, that was derived from property**
37 **taxes) or the proceeds of any bond, loan, or transfer from**
38 **another fund.**

39 **STEP TWO: Determine the greater of zero (0) or the result**
40 **determined by subtracting from the STEP ONE amount any**
41 **part of the costs described in STEP ONE that were**
42 **reimbursed from grants, fees, or other charges before July 1,**

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2007.
(d) The amount determined under STEP TWO of the following formula shall be determined for each county:

STEP ONE: Determine the cost incurred by the county for child services in 2007 that were paid from property taxes (including any balance in the county family and children's fund on January 1, 2007, that was derived from property taxes) or the proceeds of any bond, loan, or transfer from another fund.

STEP TWO: Determine the greater of zero (0) or the result determined by subtracting from the STEP ONE amount any part of the costs described in STEP ONE that were reimbursed from grants, fees, or other charges before January 30, 2008.

(e) Not later than August 1, 2007, the department of local government finance, with the assistance of the department of child services and the budget agency, shall certify to each county auditor and the budget agency the amount determined for the county under subsection (c) and an estimate of the amount to be determined for the county under subsection (d). The department of local government finance shall certify the actual amount determined under subsection (d) before February 16, 2008, to each county auditor and the budget agency. The department of local government finance may correct any error in the certified amount by recertifying the amount to the county auditor. The latest amount certified to a county auditor and the budget agency shall be levied in the county in each year following the year in which the amount is certified.

SECTION 56. IC 12-19-7-9, AS AMENDED BY P.L.234-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. The budget ~~and the tax levy~~ recommended by the department shall be:

- (1) certified to the county auditor; ~~and~~
- (2) filed for consideration by the county fiscal body. ~~and~~
- ~~(3) filed with the department of local government finance.~~

SECTION 57. IC 12-19-7-11, AS AMENDED BY P.L.234-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. In September of each year, at the time provided by law, the county fiscal body shall do the following:

- (1) Make the appropriations out of the family and children's fund that are:
 - (A) based on the budget as submitted; and

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1 (B) necessary to pay the child services of the county for the
2 next fiscal year.

3 (2) Levy a tax in ~~an~~ the amount ~~necessary equal to produce~~ the
4 ~~appropriated money.~~ **amount required under section 4 of this**
5 **chapter.**

6 SECTION 58. IC 12-19-7-15, AS AMENDED BY P.L.234-2005,
7 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2008]: Sec. 15. (a) If at any time the department
9 determines that the family and children's fund is exhausted or will be
10 exhausted before the close of a fiscal year, the department shall prepare
11 an estimate and statement showing the amount of money, in addition
12 to the money already made available, that will be necessary to defray
13 the expenses of the department and pay the obligations of the
14 department, excluding administrative expenses and facilities, supplies,
15 and equipment expenses for the department, in the administration of
16 the department's activities for the unexpired part of the fiscal year.

17 (b) The department shall do the following:
18 (1) Certify the estimate and statement to the county executive.
19 (2) File the estimate and statement with the county auditor.
20 (3) ~~File the estimate and statement with the department of local~~
21 ~~government finance.~~

22 SECTION 59. IC 12-19-7-16, AS AMENDED BY P.L.234-2005,
23 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JANUARY 1, 2008]: Sec. 16. ~~(a)~~ The county executive shall consider
25 and ~~act~~ **adopt a supplemental budget appropriation** upon an estimate
26 and statement under section 15 of this chapter at:

27 (1) the county executive's regular session immediately following
28 the filing of the estimate and statement; or
29 (2) a special session that is:
30 (A) called for the purpose of considering and acting upon the
31 estimate and statement; and
32 (B) called before the executive's regular session described in
33 subdivision (1);

34 **without giving the notice and conducting the public hearing**
35 **otherwise required under IC 6-1.1-18-5. Approval of the**
36 **supplemental budget appropriation by the department of local**
37 **government finance is not required.**

38 (b) ~~The county executive shall, for and on behalf of the county,~~
39 ~~borrow sufficient money to carry out the purposes described in section~~
40 ~~15 of this chapter if after consideration of the estimate and statement~~
41 ~~the county executive finds the following:~~

42 (1) ~~That the department has not certified a recommendation to~~

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1 borrow money under IC 12-19-5.
 2 (2) That the amount of money required; in addition to any money
 3 already available; to defray the expenses and pay the obligations
 4 of the department in the administration of the county's child
 5 services for the unexpired part of the fiscal year; is greater than
 6 the amount of money that may be advanced from the general fund
 7 of the county.

8 (c) If the county executive fails to borrow sufficient money to carry
 9 out the purposes under section 15 of this chapter either under this
 10 chapter or IC 12-19-5, the department may appeal to the department of
 11 local government finance for a determination. A copy of the appeal
 12 must be filed with the county fiscal body. The department of local
 13 government finance shall immediately conduct a hearing in the county
 14 on an appeal filed under this subsection. If the department determines
 15 that insufficient money is available to carry out the purposes under
 16 section 15 of this chapter, the department of local government finance
 17 shall issue an appropriate order. The order may allow the county to
 18 reduce its general fund budget and transfer sufficient money to the fund
 19 or require the county to borrow money for the fund to carry out the
 20 purposes under section 15 of this chapter.

21 SECTION 60. IC 12-19-7-35 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JANUARY 1, 2008]: **Sec. 35. The department shall, on**
 24 **the schedule determined by the budget agency, distribute to a**
 25 **county auditor for deposit in the fund the greater of zero (0) or the**
 26 **result of:**

- 27 (1) the amount appropriated for child services for the year
- 28 under sections 11 and 16 of this chapter; minus
- 29 (2) the balance in the fund derived from other sources,
- 30 including:
 - 31 (A) the property tax levy for the fund;
 - 32 (B) excise taxes deposited in the fund based on the amount
 - 33 of the property tax levy for the fund; and
 - 34 (C) amounts deposited in the fund from grants, fees, and
 - 35 charges.

36 Advance distributions under this section shall be made in a manner
 37 and on a schedule that avoids the necessity for a county to transfer
 38 money to the fund from another fund or to issue bonds or enter
 39 into loans to pay the cost of child services as the obligations become
 40 due.

41 SECTION 61. IC 12-29-1-5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. All general

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1 Indiana statutes relating to the following apply to the issuance of
2 county bonds under this chapter:

- 3 (1) The filing of a petition requesting the issuance of bonds.
- 4 (2) The giving of notice of the following:
 - 5 (A) The filing of the petition requesting the issuance of the
 - 6 bonds.
 - 7 (B) The determination to issue bonds.
 - 8 (C) A hearing on the appropriation of the proceeds of the
 - 9 bonds.
- 10 (3) The right of taxpayers to appear and be heard on the proposed
- 11 appropriation.
- 12 (4) The approval of the appropriation by the ~~department of local~~
- 13 ~~government finance: local government capital project property~~
- 14 **tax control board under IC 6-1.1-17.5.**
- 15 (5) The right of taxpayers to remonstrate against the issuance of
- 16 bonds.

17 SECTION 62. IC 12-29-2-18 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. All general
19 Indiana statutes relating to the following apply to the issuance of
20 county bonds under this chapter:

- 21 (1) The filing of a petition requesting the issuance of bonds.
- 22 (2) The giving of notice of the following:
 - 23 (A) The filing of the petition requesting the issuance of the
 - 24 bonds.
 - 25 (B) The determination to issue bonds.
 - 26 (C) A hearing on the appropriation of the proceeds of the
 - 27 bonds.
- 28 (3) The right of taxpayers to appear and be heard on the proposed
- 29 appropriation.
- 30 (4) The approval of the appropriation by the ~~department of local~~
- 31 ~~government finance: local government capital project property~~
- 32 **tax control board under IC 6-1.1-17.5.**
- 33 (5) The right of taxpayers to remonstrate against the issuance of
- 34 bonds.

35 SECTION 63. IC 13-18-8-2 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If the
37 offender is a municipal corporation, the cost of:

- 38 (1) acquisition, construction, repair, alteration, or extension of the
- 39 necessary plants, machinery, or works; or
- 40 (2) taking other steps that are necessary to comply with the order;
- 41 shall be paid out of money on hand available for these purposes or out
- 42 of the general money of the municipal corporation not otherwise

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appropriated.

(b) If there is not sufficient money on hand or unappropriated, the necessary money shall be raised by the issuance of bonds. The bond issue is subject only to the approval of the ~~department of local government finance~~: **local government capital project property tax control board under IC 6-1.1-17.5.**

SECTION 64. IC 14-27-6-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40. The provisions of IC 5-1 and IC 6-1.1-20 relating to the following apply to proceedings under this chapter:

- (1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.
- (2) The giving of notice of determination to issue bonds.
- (3) The giving of notice of hearing on the appropriation of the proceeds of bonds and the right of taxpayers to appeal and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the ~~department of local government finance~~: **local government capital project property tax control board under IC 6-1.1-17.5.**
- (5) The right of taxpayers to remonstrate against the issuance of bonds.
- (6) The sale of bonds at public sale for not less than the par value.

SECTION 65. IC 16-22-8-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43. (a) The board may issue general obligation bonds of the corporation to procure funds to pay the cost of acquiring real property or constructing, enlarging, improving, remodeling, repairing, or equipping buildings and other structures for use as or in connection with hospitals, clinics, health centers, dispensaries, or for administrative purposes. The issuance of the bonds shall be authorized by ordinance of the board providing for the amount, terms, and tenor of the bonds, for the time and character of notice, and the mode of making the sale. The bonds shall be payable not more than forty (40) years after the date of issuance and shall be executed in the name of the corporation by the chairman of the board and attested by the executive director, who shall affix to each of the bonds the official seal of the corporation. The interest coupons attached to the bonds may be executed by facsimile signature of the chairman of the board.

(b) The executive director shall manage and supervise the preparation, advertisement, and sale of bonds, subject to the provisions of the authorizing ordinance. Before the sale of the bonds, the executive director shall publish notice of the sale in accordance with

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1 IC 5-3-1, setting out the time and place where bids will be received, the
 2 amount and maturity dates of the issue, the maximum interest rate, and
 3 the terms and conditions of sale and delivery of the bonds. The bonds
 4 shall be sold to the highest and best bidder. After the bonds have been
 5 sold and executed, the executive director shall deliver the bonds to the
 6 treasurer of the corporation and take the treasurer's receipt, and shall
 7 certify to the treasurer the amount that the purchaser is to pay, together
 8 with the name and address of the purchaser. On payment of the
 9 purchase price, the treasurer shall deliver the bonds to the purchaser,
 10 and the treasurer and executive director shall report the actions to the
 11 board.

12 (c) IC 5-1 and IC 6-1.1-20 apply to the following proceedings:

13 (1) Notice and filing of the petition requesting the issuance of the
 14 bonds.

15 (2) Notice of determination to issue bonds.

16 (3) Notice of hearing on the appropriation of the proceeds of the
 17 bonds and the right of taxpayers to appeal and be heard.

18 (4) Approval by the ~~department of local government finance~~
 19 **local government capital project property tax control board**
 20 **under IC 6-1.1-17.5.**

21 (5) The right to remonstrate.

22 (6) Sale of bonds at public sale for not less than the par value.

23 (d) The bonds are the direct general obligations of the corporation
 24 and are payable out of unlimited ad valorem taxes levied and collected
 25 on all the taxable property within the county of the corporation. All
 26 officials and bodies having to do with the levying of taxes for the
 27 corporation shall see that sufficient levies are made to meet the
 28 principal and interest on the bonds at the time fixed for payment.

29 (e) The bonds are exempt from taxation for all purposes but the
 30 interest is subject to the adjusted gross income tax.

31 SECTION 66. IC 16-23-1-39 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) This section
 33 applies to the county fiscal body of a county in which a city hospital is
 34 located and maintained.

35 (b) The county fiscal body may issue and sell bonds and appropriate
 36 money, if the fiscal body finds the following:

37 (1) An emergency exists.

38 (2) To meet the medical needs of the county residents living
 39 inside and outside the corporate limits of the city it is necessary
 40 to aid in the following:

41 (A) The construction, improvement, repair, or remodeling of
 42 hospital buildings and grounds.

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1 (B) The construction of an extension or addition to the
2 hospital.

3 (C) The acquisition of real property for the hospital.

4 (3) An appropriation of county funds, borrowing of money, and
5 issuance and sale of bonds by the county are in the best interests
6 of all the citizens of the county.

7 (c) The county fiscal body may issue and sell bonds and appropriate
8 the proceeds to meet the emergency:

9 (1) without regard to whether the city in which the hospital is
10 located has issued and sold bonds for these purposes or
11 contemplates the issuance and sale of bonds;

12 (2) as other county bonds are issued and sold under statute; and

13 (3) subject to approval of the ~~department of local government~~
14 ~~finance~~ **local government capital project property tax control**
15 **board under IC 6-1.1-17.5.**

16 (d) The principal derived from the sale of the bonds, upon due
17 appropriation by the county according to statute, shall be paid to the
18 clerk-treasurer of the city to assist in paying the cost of the
19 improvement, repair, remodeling, or construction project of the hospital
20 or for the acquisition of real property, without reappropriation by the
21 fiscal body of the city.

22 SECTION 67. IC 36-1-10-16 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A political
24 subdivision or agency owning a structure with respect to which its
25 revenue bonds are outstanding may, to refinance those bonds, convey
26 the structure to the lessor in fee simple and lease it from the lessor in
27 accordance with this chapter, subject to the approval of the ~~department~~
28 ~~of local government finance~~ **local government capital project**
29 **property tax control board under IC 6-1.1-17.5.**

30 (b) The price of a purchase under this section must be at least the
31 sum of:

32 (1) the principal amount of the outstanding revenue bonds;

33 (2) interest on those bonds to the maturity date of bonds not
34 subject to redemption before maturity and to the first redemption
35 date of bonds subject to redemption before maturity; and

36 (3) the redemption premiums on all bonds subject to redemption
37 before maturity.

38 An amount not less than this sum shall be deposited in trust for the
39 payment of the outstanding revenue bonds in a manner consistent with
40 the ordinance or trust agreement under which the bonds were issued.
41 The money deposited in the trust, and investment income from it, not
42 required for the payment of the bonds, shall be applied to the payment

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1 of the obligations issued by the lessor for the acquisition of the
2 structure, and to a corresponding reduction of rentals for the leasing
3 agent.

4 (c) Each lease entered into under this section must include an option
5 permitting the political subdivision or agency to purchase the structure
6 at a price not exceeding the amount required to retire all outstanding
7 obligations issued by the lessor to acquire the property covered by the
8 lease. The lease and sale of a parking facility under this section does
9 not preclude the lease of air rights.

10 SECTION 68. IC 36-1-15-3, AS AMENDED BY P.L.2-2006,
11 SECTION 191, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE UPON PASSAGE]: Sec. 3. The department of local
13 government finance shall compute, ~~in conjunction for use~~ with the
14 approvals required under:

- 15 (1) IC 6-1.1-18.5-8(b); and
 - 16 (2) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10;
- 17 an adjusted value of the taxable property within each political
18 subdivision. The department of local government finance may request
19 a certification of net assessed valuation from the county auditor in
20 order to make a calculation under this section.

21 SECTION 69. IC 36-1-18 IS ADDED TO THE INDIANA CODE
22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2007]:

24 **Chapter 18. Local Judicial Mandate Levy**

25 **Sec. 1. This chapter applies to all units.**

26 **Sec. 2. As used in this chapter, "capital costs " means any of the**
27 **following:**

- 28 (1) All or any part of the cost of construction, extension,
29 enlargement, addition, replacement, improvement,
30 renovation, and acquisition of all lands, structures, and real
31 or personal property related to a project.
- 32 (2) All or any part of the cost of leasing real or personal
33 property or acquiring rights, rights-of-way, franchises,
34 easements, and interests in real, personal, or intangible
35 property for a project.
- 36 (3) The cost of demolishing or removing any buildings or
37 structures on acquired land that is related to a project,
38 including the cost of acquiring any lands to which the
39 buildings or structures may be moved.
- 40 (4) The cost of acquiring or obtaining the right to use
41 machinery and equipment.
- 42 (5) Financing charges and interest before, during, and for a

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1 period not exceeding one (1) year after the estimated date of
 2 completion of a project.
 3 (6) Reserves for debt service and for extensions, enlargements,
 4 additions, replacements, renovations, and improvements
 5 related to a project.
 6 (7) Costs of architectural, engineering, trustee, financial, legal,
 7 and related services related to a project.
 8 (8) Costs of an action by underwriters related to a project.
 9 (9) Costs of plans, specifications, studies, surveys, and
 10 estimates of cost and of revenues related to a project.
 11 (10) Administrative expenses and expenses necessary or
 12 incident to determining the feasibility or practicability of
 13 undertaking a project.
 14 (11) Other expenses as may be necessary or incident to
 15 undertaking or financing a project.
 16 Sec. 3. As used in this chapter, "financing costs" includes the
 17 cost of the issuance of bonds, notes, or other obligations.
 18 Sec. 4. As used in this chapter, "levy" refers to an ad valorem
 19 property tax levy that is imposed under this chapter.
 20 Sec. 5. As used in this chapter, "operating costs" refers to:
 21 (1) the costs to a unit of complying with:
 22 (A) safety;
 23 (B) health;
 24 (C) space;
 25 (D) heat; or
 26 (E) lighting;
 27 standards required by state or federal law, rules, or
 28 regulations applicable to a project;
 29 (2) other physical operation costs that are directly related to
 30 a project; and
 31 (3) salaries and other personal services expenditures directly
 32 related to a project.
 33 Sec. 6. As used in this chapter, "project" means an expenditure
 34 that is required by a court order holding that:
 35 (1) a federal law, including the federal Americans with
 36 Disabilities Act, mandates the project;
 37 (2) the project is necessary to bring a county jail or other
 38 detention facility into compliance with federal construction or
 39 operating standards, American Correctional Association Jail
 40 Construction Standards, or Indiana jail construction or
 41 operation standards adopted by the department of correction;
 42 or

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1 **(3) the project is necessary to bring a juvenile detention center**
2 **into compliance with federal, department of correction, or**
3 **American Correctional Association standards for the**
4 **construction or operation of juvenile detention facilities.**

5 **Sec. 7. A unit may impose a local judicial mandate levy to pay**
6 **the capital costs of a project and financing costs incurred to pay**
7 **capital costs for a project. A local judicial mandate levy under this**
8 **section shall be imposed, deposited, appropriated, and expended in**
9 **the same manner as a levy for a debt service fund, sinking fund, or**
10 **cumulative fund. However, the local judicial mandate levy shall be**
11 **advertised and stated on tax statements separately from other**
12 **levies. A levy under this section is not part of the total county tax**
13 **levy (as defined in IC 6-1.1-21-2) for purposes of IC 6-1.1-21.**

14 **Sec. 8. A unit may impose a local judicial mandate levy to pay**
15 **for an increase in operating costs resulting from a project. A local**
16 **judicial mandate levy under this section shall be imposed,**
17 **deposited, appropriated, and expended in the same manner as a**
18 **levy for the unit's general fund. However, the local judicial**
19 **mandate levy shall be advertised and stated on tax statements**
20 **separately from other levies. A levy under this section is part of the**
21 **total county tax levy (as defined in IC 6-1.1-21-2) for purposes of**
22 **IC 6-1.1-21.**

23 SECTION 70. IC 36-3-5-8 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section
25 applies whenever a special taxing district of the consolidated city has
26 the power to issue bonds, notes, or warrants.

27 (b) Before any bonds, notes, or warrants of a special taxing district
28 may be issued, the issue must be approved by resolution of the
29 legislative body of the consolidated city.

30 (c) Any bonds of a special taxing district must be issued in the
31 manner prescribed by statute for that district, and the board of the
32 department having jurisdiction over the district shall:

- 33 (1) hold all required hearings;
34 (2) adopt all necessary resolutions; and
35 (3) appropriate the proceeds of the bonds;
36 in that manner. However, the legislative body shall levy each year the
37 special tax required to pay the principal of and interest on the bonds
38 and any bank paying charges.

39 (d) Notwithstanding any other statute, bonds of a special taxing
40 district may:

- 41 (1) be dated;
42 (2) be issued in any denomination;

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1 (3) mature at any time or times not exceeding fifty (50) years after
 2 their date; and
 3 (4) be payable at any bank or banks;
 4 as determined by the board. The interest rate or rates that the bonds will
 5 bear must be determined by bidding, notwithstanding IC 5-1-11-3.
 6 (e) Bonds of a special taxing district are subject to the provisions of
 7 IC 5-1 and IC 6-1.1-20 relating to the filing of a petition requesting the
 8 issuance of bonds and giving notice of the petition, the giving of notice
 9 of a hearing on the appropriation of the proceeds of bonds, the right of
 10 taxpayers to appear and be heard on the proposed appropriation, the
 11 approval of the appropriation by the ~~department of local government~~
 12 ~~finance~~; **local government capital project property tax control**
 13 **board under IC 6-1.1-17.5**, the right of taxpayers to remonstrate
 14 against the issuance of bonds, and the sale of bonds at public sale.
 15 SECTION 71. IC 36-5-2-11 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The
 17 legislative body may issue bonds for the purpose of procuring money
 18 to be used in the exercise of the powers of the town and for the
 19 payment of town debts. However, a town may not issue bonds to
 20 procure money to pay current expenses.
 21 (b) Bonds issued under this section are payable in the amounts and
 22 at the times determined by the legislative body.
 23 (c) Bonds issued under this section are subject to the provisions of
 24 IC 5-1 and IC 6-1.1-20 relating to the filing of a petition requesting the
 25 issuance of bonds and giving notice of the petition, the giving of notice
 26 of a hearing on the appropriation of the proceeds of bonds, the right of
 27 taxpayers to appear and be heard on the proposed appropriation, the
 28 approval of the appropriation by the ~~department of local government~~
 29 ~~finance~~; **local government capital project property tax control**
 30 **board under IC 6-1.1-17.5**, the right of taxpayers to remonstrate
 31 against the issuance of bonds, and the sale of bonds at public sale for
 32 not less than their par value.
 33 (d) The legislative body may, by ordinance, make loans of money
 34 for not more than five (5) years and issue notes for the purpose of
 35 refunding those loans. The loans may be made only for the purpose of
 36 procuring money to be used in the exercise of the powers of the town,
 37 and the total amount of outstanding loans under this subsection may not
 38 exceed five percent (5%) of the town's total tax levy in the current year
 39 (excluding amounts levied to pay debt service and lease rentals). Loans
 40 under this subsection shall be made as follows:
 41 (1) The ordinance authorizing the loans must pledge to their
 42 payment a sufficient amount of tax revenues over the ensuing five

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- 1 (5) years to provide for refunding the loans.
- 2 (2) The loans must be evidenced by notes of the town in terms
- 3 designating the nature of the consideration, the time and place
- 4 payable, and the revenues out of which they will be payable.
- 5 (3) The interest accruing on the notes to the date of maturity may
- 6 be added to and included in their face value or be made payable
- 7 periodically, as provided in the ordinance.

8 Notes issued under this subsection are not bonded indebtedness for
 9 purposes of IC 6-1.1-18.5.

10 SECTION 72. IC 36-6-8-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) When
 12 performing the real property reassessment duties prescribed by
 13 IC 6-1.1-4, a township assessor may receive per diem compensation,
 14 in addition to salary, at a rate fixed by the county fiscal body, for each
 15 day that ~~he~~ **the township assessor** is engaged in reassessment
 16 activities, including service on the county land valuation commission.

17 (b) Subsection (a) applies regardless of whether **the county**
 18 **assessor contracts for** professional assessing services ~~are provided to~~
 19 ~~a for the township. under contract.~~

20 SECTION 73. IC 36-7-14-25.1, AS AMENDED BY P.L.185-2005,
 21 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 25.1. (a) In addition to other methods of
 23 raising money for property acquisition or redevelopment in a
 24 redevelopment project area, and in anticipation of the special tax to be
 25 levied under section 27 of this chapter, the taxes allocated under
 26 section 39 of this chapter, or other revenues of the district, or any
 27 combination of these sources, the redevelopment commission may, by
 28 resolution and subject to subsection (p), issue the bonds of the special
 29 taxing district in the name of the unit. The amount of the bonds may
 30 not exceed the total, as estimated by the commission, of all expenses
 31 reasonably incurred in connection with the acquisition and
 32 redevelopment of the property, including:

- 33 (1) the total cost of all land, rights-of-way, and other property to
- 34 be acquired and redeveloped;
- 35 (2) all reasonable and necessary architectural, engineering, legal,
- 36 financing, accounting, advertising, bond discount, and
- 37 supervisory expenses related to the acquisition and redevelopment
- 38 of the property or the issuance of bonds;
- 39 (3) capitalized interest permitted by this chapter and a debt
- 40 service reserve for the bonds to the extent the redevelopment
- 41 commission determines that a reserve is reasonably required; and
- 42 (4) expenses that the redevelopment commission is required or

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1 permitted to pay under IC 8-23-17.

2 (b) If the redevelopment commission plans to acquire different

3 parcels of land or let different contracts for redevelopment work at

4 approximately the same time, whether under one (1) or more

5 resolutions, the commission may provide for the total cost in one (1)

6 issue of bonds.

7 (c) The bonds must be dated as set forth in the bond resolution and

8 negotiable, subject to the requirements of the bond resolution for

9 registering the bonds. The resolution authorizing the bonds must state:

10 (1) the denominations of the bonds;

11 (2) the place or places at which the bonds are payable; and

12 (3) the term of the bonds, which may not exceed fifty (50) years.

13 The resolution may also state that the bonds are redeemable before

14 maturity with or without a premium, as determined by the

15 redevelopment commission.

16 (d) The redevelopment commission shall certify a copy of the

17 resolution authorizing the bonds to the municipal or county fiscal

18 officer, who shall then prepare the bonds, subject to subsection (p). The

19 seal of the unit must be impressed on the bonds, or a facsimile of the

20 seal must be printed on the bonds.

21 (e) The bonds must be executed by the appropriate officer of the

22 unit, and attested by the municipal or county fiscal officer.

23 (f) The bonds are exempt from taxation for all purposes.

24 (g) The municipal or county fiscal officer shall give notice of the

25 sale of the bonds by publication in accordance with IC 5-3-1. The

26 municipal fiscal officer, or county fiscal officer or executive, shall sell

27 the bonds to the highest bidder, but may not sell them for less than

28 ninety-seven percent (97%) of their par value. However, bonds payable

29 solely or in part from tax proceeds allocated under section 39(b)(2) of

30 this chapter, or other revenues of the district may be sold at a private

31 negotiated sale.

32 (h) Except as provided in subsection (i), a redevelopment

33 commission may not issue the bonds when the total issue, including

34 bonds already issued and to be issued, exceeds two percent (2%) of the

35 adjusted value of the taxable property in the special taxing district, as

36 determined under IC 36-1-15.

37 (i) The bonds are not a corporate obligation of the unit but are an

38 indebtedness of the taxing district. The bonds and interest are payable,

39 as set forth in the bond resolution of the redevelopment commission:

40 (1) from a special tax levied upon all of the property in the taxing

41 district, as provided by section 27 of this chapter;

42 (2) from the tax proceeds allocated under section 39(b)(2) of this

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- 1 chapter;
 2 (3) from other revenues available to the redevelopment
 3 commission; or
 4 (4) from a combination of the methods stated in subdivisions (1)
 5 through (3).

6 If the bonds are payable solely from the tax proceeds allocated under
 7 section 39(b)(2) of this chapter, other revenues of the redevelopment
 8 commission, or any combination of these sources, they may be issued
 9 in any amount without limitation.

10 (j) Proceeds from the sale of bonds may be used to pay the cost of
 11 interest on the bonds for a period not to exceed five (5) years from the
 12 date of issuance.

13 (k) All laws relating to the giving of notice of the issuance of bonds,
 14 the giving of notice of a hearing on the appropriation of the proceeds
 15 of the bonds, the right of taxpayers to appear and be heard on the
 16 proposed appropriation, and the approval of the appropriation by the
 17 ~~department of local government finance~~ **local government capital**
 18 **project property tax control board under IC 6-1.1-17.5** apply to all
 19 bonds issued under this chapter that are payable from the special
 20 benefits tax levied pursuant to section 27 of this chapter or from taxes
 21 allocated under section 39 of this chapter.

22 (l) All laws relating to the filing of petitions requesting the issuance
 23 of bonds and the right of taxpayers to remonstrate against the issuance
 24 of bonds apply to bonds issued under this chapter, except for bonds
 25 payable solely from tax proceeds allocated under section 39(b)(2) of
 26 this chapter, other revenues of the redevelopment commission, or any
 27 combination of these sources.

28 (m) If a debt service reserve is created from the proceeds of bonds,
 29 the debt service reserve may be used to pay principal and interest on
 30 the bonds as provided in the bond resolution.

31 (n) Any amount remaining in the debt service reserve after all of the
 32 bonds of the issue for which the debt service reserve was established
 33 have matured shall be deposited in the allocation fund established
 34 under section 39(b)(2) of this chapter.

35 (o) If bonds are issued under this chapter that are payable solely or
 36 in part from revenues to the redevelopment commission from a project
 37 or projects, the redevelopment commission may adopt a resolution or
 38 trust indenture or enter into covenants as is customary in the issuance
 39 of revenue bonds. The resolution or trust indenture may pledge or
 40 assign the revenues from the project or projects, but may not convey or
 41 mortgage any project or parts of a project. The resolution or trust
 42 indenture may also contain any provisions for protecting and enforcing

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1 the rights and remedies of the bond owners as may be reasonable and
 2 proper and not in violation of law, including covenants setting forth the
 3 duties of the redevelopment commission. The redevelopment
 4 commission may establish fees and charges for the use of any project
 5 and covenant with the owners of any bonds to set those fees and
 6 charges at a rate sufficient to protect the interest of the owners of the
 7 bonds. Any revenue bonds issued by the redevelopment commission
 8 that are payable solely from revenues of the commission shall contain
 9 a statement to that effect in the form of bond.

10 (p) If the total principal amount of bonds authorized by a resolution
 11 of the redevelopment commission is equal to or greater than three
 12 million dollars (\$3,000,000), the bonds may not be issued without the
 13 approval, by resolution, of the legislative body of the unit.

14 SECTION 74. IC 36-7-14-25.2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.2. (a) A
 16 redevelopment commission may enter into a lease of any property that
 17 could be financed with the proceeds of bonds issued under this chapter
 18 with a lessor for a term not to exceed fifty (50) years, and the lease may
 19 provide for payments to be made by the redevelopment commission
 20 from special benefits taxes levied under section 27 of this chapter,
 21 taxes allocated under section 39 of this chapter, any other revenues
 22 available to the redevelopment commission, or any combination of
 23 these sources.

24 (b) A lease may provide that payments by the redevelopment
 25 commission to the lessor are required only to the extent and only for the
 26 period that the lessor is able to provide the leased facilities in
 27 accordance with the lease. The terms of each lease must be based upon
 28 the value of the facilities leased and may not create a debt of the unit
 29 or the district for purposes of the Constitution of the State of Indiana.

30 (c) A lease may be entered into by the redevelopment commission
 31 only after a public hearing by the redevelopment commission at which
 32 all interested parties are provided the opportunity to be heard. After the
 33 public hearing, the redevelopment commission may adopt a resolution
 34 authorizing the execution of the lease on behalf of the unit if it finds
 35 that the service to be provided throughout the term of the lease will
 36 serve the public purpose of the unit and is in the best interests of its
 37 residents. Any lease approved by a resolution of the redevelopment
 38 commission must be approved by an ordinance of the fiscal body of the
 39 unit.

40 (d) Upon execution of a lease providing for payments by the
 41 redevelopment commission in whole or in part from the levy of special
 42 benefits taxes under section 27 of this chapter and upon approval of the

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1 lease by the unit's fiscal body, the redevelopment commission shall
 2 publish notice of the execution of the lease and its approval in
 3 accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the
 4 redevelopment district who will be affected by the lease and who may
 5 be of the opinion that no necessity exists for the execution of the lease
 6 or that the payments provided for in the lease are not fair and
 7 reasonable may file a petition in the office of the county auditor within
 8 thirty (30) days after the publication of the notice of execution and
 9 approval. The petition must set forth the petitioners' names, addresses,
 10 and objections to the lease and the facts showing that the execution of
 11 the lease is unnecessary or unwise or that the payments provided for in
 12 the lease are not fair and reasonable, as the case may be.

13 (e) Upon the filing of the petition, the county auditor shall
 14 immediately certify a copy of it, together with such other data as may
 15 be necessary in order to present the questions involved, to the
 16 ~~department of local government finance~~ **local government capital**
 17 **project property tax control board under IC 6-1.1-17.5**. Upon
 18 receipt of the certified petition and information, the ~~department of local~~
 19 ~~government finance~~ **local government capital project property tax**
 20 **control board** shall fix a time and place for a hearing in the
 21 redevelopment district, which must be not less than five (5) or more
 22 than thirty (30) days after the time is fixed. Notice of the hearing shall
 23 be given by the ~~department of local government finance~~ **local**
 24 **government capital project property tax control board** to the
 25 members of the fiscal body, to the redevelopment commission, and to
 26 the first fifty (50) petitioners on the petition by a letter signed by ~~the~~
 27 ~~commissioner or deputy commissioner of the department~~ **a member of**
 28 **the control board** and enclosed with fully prepaid postage sent to
 29 those persons at their usual place of residence, at least five (5) days
 30 before the date of the hearing. The decision of the ~~department of local~~
 31 ~~government finance~~ **local government capital project property tax**
 32 **control board under IC 6-1.1-17.5** on the appeal, upon the necessity
 33 for the execution of the lease, and as to whether the payments under it
 34 are fair and reasonable, is final.

35 (f) A redevelopment commission entering into a lease payable from
 36 allocated taxes under section 39 of this chapter or other available funds
 37 of the redevelopment commission may:

- 38 (1) pledge the revenue to make payments under the lease pursuant
- 39 to IC 5-1-14-4; and
- 40 (2) establish a special fund to make the payments.

41 (g) Lease rentals may be limited to money in the special fund so that
 42 the obligations of the redevelopment commission to make the lease

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1 rental payments are not considered debt of the unit or the district for
2 purposes of the Constitution of the State of Indiana.

3 (h) Except as provided in this section, no approvals of any
4 governmental body or agency are required before the redevelopment
5 commission enters into a lease under this section.

6 (i) An action to contest the validity of the lease or to enjoin the
7 performance of any of its terms and conditions must be brought within
8 thirty (30) days after the publication of the notice of the execution and
9 approval of the lease. However, if the lease is payable in whole or in
10 part from tax levies and an appeal has been taken to the ~~department of~~
11 ~~local government finance;~~ **local government capital project property**
12 **tax control board under IC 6-1.1-17.5**, an action to contest the
13 validity or enjoin the performance must be brought within thirty (30)
14 days after the decision of the ~~department;~~ **local government capital**
15 **project property tax control board.**

16 (j) If a redevelopment commission exercises an option to buy a
17 leased facility from a lessor, the redevelopment commission may
18 subsequently sell the leased facility, without regard to any other statute,
19 to the lessor at the end of the lease term at a price set forth in the lease
20 or at fair market value established at the time of the sale by the
21 redevelopment commission through auction, appraisal, or arms length
22 negotiation. If the facility is sold at auction, after appraisal, or through
23 negotiation, the redevelopment commission shall conduct a hearing
24 after public notice in accordance with IC 5-3-1 before the sale. Any
25 action to contest the sale must be brought within fifteen (15) days of
26 the hearing.

27 SECTION 75. IC 36-7-15.1-17.1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.1. (a) A
29 commission may enter into a lease of any property that may be financed
30 with the proceeds of bonds issued under this chapter with a lessor for
31 a term not to exceed fifty (50) years. The lease may provide for
32 payments to be made by the commission from special benefits taxes
33 levied under section 19 of this chapter, taxes allocated under section 26
34 of this chapter, any other revenue available to the commission, or any
35 combination of these sources.

36 (b) A lease may provide that payments by the commission to the
37 lessor are required only to the extent and only for the period that the
38 lessor is able to provide the leased facilities in accordance with the
39 lease. The terms of each lease must be based upon the value of the
40 facilities leased and may not create a debt of the unit or the district for
41 purposes of the Constitution of the State of Indiana.

42 (c) A lease may be entered into by the commission only after a

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1 public hearing by the commission at which all interested parties are
 2 given the opportunity to be heard. Notice of the hearing must be given
 3 by publication in accordance with IC 5-3-1. After the public hearing,
 4 the commission may adopt a resolution authorizing the execution of the
 5 lease on behalf of the unit if it finds that the service to be provided
 6 throughout the term of the lease will serve the public purpose of the
 7 unit and is in the best interests of its residents. Any lease approved by
 8 a resolution of the commission must be approved by an ordinance of
 9 the fiscal body of the unit.

10 (d) Upon execution of a lease providing for payments by the
 11 commission in whole or in part from the levy of special benefits taxes
 12 under section 19 of this chapter and upon approval of the lease by the
 13 fiscal body, the commission shall publish notice of the execution of the
 14 lease and its approval in accordance with IC 5-3-1. Fifty (50) or more
 15 taxpayers residing in the district who will be affected by the lease and
 16 who may be of the opinion that no necessity exists for the execution of
 17 the lease or that the payments provided for in the lease are not fair and
 18 reasonable may file a petition in the office of the county auditor within
 19 thirty (30) days after the publication of the notice of execution and
 20 approval. The petition must set forth the petitioners' names, addresses,
 21 and objections to the lease and the facts showing that the execution of
 22 the lease is unnecessary or unwise or that the payments provided for in
 23 the lease are not fair and reasonable, as the case may be. Upon the
 24 filing of the petition, the county auditor shall immediately certify a
 25 copy of it, together with such other data as may be necessary in order
 26 to present the questions involved, to the ~~department of local~~
 27 ~~government finance~~ **local government capital project property tax**
 28 **control board under IC 6-1.1-17.5**. Upon receipt of the certified
 29 petition and information, the ~~department of local government finance~~
 30 **local government capital project property tax control board** shall
 31 fix a time and place for the hearing in the redevelopment district, which
 32 must be not less than five (5) or more than thirty (30) days after the
 33 time for the hearing is fixed. Notice of the hearing shall be given by the
 34 ~~department of local government finance~~ **local government capital**
 35 **project property tax control board** to the members of the fiscal body,
 36 to the commission, and to the first fifty (50) petitioners on the petition
 37 by a letter signed by ~~the commissioner or deputy commissioner of the~~
 38 ~~department~~ **a member of the control board** and enclosed with fully
 39 prepaid postage sent to those persons at their usual place of residence,
 40 at least five (5) days before the date of the hearing. The decision of the
 41 ~~department of local government finance~~ **local government capital**
 42 **project property tax control board** on the appeal, upon the necessity

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1 for the execution of the lease and as to whether the payments under it
2 are fair and reasonable, is final.

3 (e) A commission entering into a lease payable from allocated taxes
4 under section 26 of this chapter or revenues or other available funds of
5 the commission may:

6 (1) pledge the revenue to make payments under the lease pursuant
7 to IC 5-1-14-4; and

8 (2) establish a special fund to make the payments.

9 Lease rentals may be limited to money in the special fund so that the
10 obligations of the commission to make the lease rental payments are
11 not considered a debt of the unit or the district for purposes of the
12 Constitution of the State of Indiana.

13 (f) Except as provided in this section, no approvals of any
14 governmental body or agency are required before the commission
15 enters into a lease under this section.

16 (g) An action to contest the validity of the lease or to enjoin the
17 performance of any of its terms and conditions must be brought within
18 thirty (30) days after the publication of the notice of the execution and
19 approval of the lease. However, if the lease is payable in whole or in
20 part from tax levies and an appeal has been taken to the ~~department of~~
21 ~~local government finance;~~ **local government capital project property**
22 **tax control board under IC 6-1.1-17.5**, an action to contest the
23 validity or to enjoin performance must be brought within thirty (30)
24 days after the decision of the ~~department;~~ **local government capital**
25 **project property tax control board.**

26 (h) If a commission exercises an option to buy a leased facility from
27 a lessor, the commission may subsequently sell the leased facility,
28 without regard to any other statute, to the lessor at the end of the lease
29 term at a price set forth in the lease or at fair market value established
30 at the time of the sale by the commission through auction, appraisal, or
31 arms length negotiation. If the facility is sold at auction, after appraisal,
32 or through negotiation, the commission shall conduct a hearing after
33 public notice in accordance with IC 5-3-1 before the sale. Any action
34 to contest the sale must be brought within fifteen (15) days after the
35 hearing.

36 SECTION 76. IC 36-7-15.1-46 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 46. (a) A
38 commission may enter into a lease of any property that may be financed
39 with the proceeds of bonds issued under section 45 of this chapter with
40 a lessor for a term not to exceed fifty (50) years. The lease may provide
41 for payments to be made by the commission from special benefits taxes
42 levied under section 50 of this chapter, taxes allocated under section 53

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1 of this chapter, any other revenue available to the commission, or any
2 combination of these sources.

3 (b) A lease may provide that payments by the commission to the
4 lessor are required only to the extent and only for the period that the
5 lessor is able to provide the leased facilities in accordance with the
6 lease. The terms of each lease must be based upon the value of the
7 facilities leased and may not create a debt of the unit or the district for
8 purposes of the Constitution of the State of Indiana.

9 (c) A lease may be entered into by the commission only after a
10 public hearing by the commission at which all interested parties are
11 given the opportunity to be heard. Notice of the hearing must be given
12 by publication in accordance with IC 5-3-1. After the public hearing,
13 the commission may adopt a resolution authorizing the execution of the
14 lease on behalf of the unit if it finds that the service to be provided
15 throughout the term of the lease will serve the public purpose of the
16 unit and is in the best interests of its residents. Any lease approved by
17 a resolution of the commission must be approved by an ordinance of
18 the fiscal body of the excluded city.

19 (d) Upon execution of a lease providing for payments by the
20 commission in whole or in part from the levy of special benefits taxes
21 under section 50 of this chapter and upon approval of the lease by the
22 fiscal body, the commission shall publish notice of the execution of the
23 lease and its approval in accordance with IC 5-3-1. Fifty (50) or more
24 taxpayers residing in the district who will be affected by the lease and
25 who may be of the opinion that no necessity exists for the execution of
26 the lease or that the payments provided for in the lease are not fair and
27 reasonable may file a petition in the office of the county auditor within
28 thirty (30) days after the publication of the notice of execution and
29 approval. The petition must set forth the petitioners' names, addresses,
30 and objections to the lease and the facts showing that the execution of
31 the lease is unnecessary or unwise or that the payments provided for in
32 the lease are not fair and reasonable, as the case may be. Upon the
33 filing of the petition, the county auditor shall immediately certify a
34 copy of the petition, together with such other data as may be necessary
35 in order to present the questions involved, to the ~~department of local~~
36 ~~government finance:~~ **local government capital project property tax**
37 **control board under IC 6-1.1-17.5.** Upon receipt of the certified
38 petition and information, the ~~department of local government finance~~
39 **local government capital project property tax control board** shall
40 fix a time and place for the hearing in the redevelopment district, which
41 must not be less than five (5) or more than thirty (30) days after the
42 time for the hearing is fixed. Notice of the hearing shall be given by the

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1 ~~department of local government finance~~ **local government capital**
 2 **project property tax control board** to the members of the fiscal body,
 3 to the commission, and to the first fifty (50) petitioners on the petition
 4 by a letter signed by ~~the commissioner or deputy commissioner of the~~
 5 ~~department~~ **a member of the control board** and enclosed with fully
 6 prepaid postage sent to those persons at their usual place of residence,
 7 at least five (5) days before the date of the hearing. The decision of the
 8 ~~department of local government finance~~ **local government capital**
 9 **project property tax control board** on the appeal, upon the necessity
 10 for the execution of the lease and as to whether the payments under it
 11 are fair and reasonable, is final.

12 (e) A commission entering into a lease payable from allocated taxes
 13 under section 53 of this chapter or revenues or other available funds of
 14 the commission may:

15 (1) pledge the revenue to make payments under the lease as
 16 provided in IC 5-1-14-4; and

17 (2) establish a special fund to make the payments.

18 Lease rentals may be limited to money in the special fund so that the
 19 obligations of the commission to make the lease rental payments are
 20 not considered a debt of the unit or the district for purposes of the
 21 Constitution of the State of Indiana.

22 (f) Except as provided in this section, no approvals of any
 23 governmental body or agency are required before the commission
 24 enters into a lease under this section.

25 (g) An action to contest the validity of the lease or to enjoin the
 26 performance of any of its terms and conditions must be brought within
 27 thirty (30) days after the publication of the notice of the execution and
 28 approval of the lease. However, if the lease is payable in whole or in
 29 part from tax levies and an appeal has been taken to the ~~department of~~
 30 ~~local government finance;~~ **local government capital project property**
 31 **tax control board**, an action to contest the validity or to enjoin
 32 performance must be brought within thirty (30) days after the decision
 33 of the ~~department of local government finance;~~ **local government**
 34 **capital project property tax control board**.

35 (h) If a commission exercises an option to buy a leased facility from
 36 a lessor, the commission may subsequently sell the leased facility,
 37 without regard to any other statute, to the lessor at the end of the lease
 38 term at a price set forth in the lease or at fair market value established
 39 at the time of the sale by the commission through auction, appraisal, or
 40 arms length negotiation. If the facility is sold at auction, after appraisal,
 41 or through negotiation, the commission shall conduct a hearing after
 42 public notice in accordance with IC 5-3-1 before the sale. Any action

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1 to contest the sale must be brought within fifteen (15) days after the
2 hearing.

3 SECTION 77. IC 36-7-29-16 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) District
5 bonds may be issued by a board under this chapter without following
6 any procedures set forth in any other statute except that the board must:

- 7 (1) adopt a bond resolution after a public hearing following public
- 8 notice of the hearing published in accordance with IC 5-3-1;
- 9 (2) publish notice of the determination to issue district bonds in
- 10 accordance with IC 6-1.1-20-5;
- 11 (3) obtain the approval for the appropriation of the proceeds of the
- 12 district bonds as set forth in IC 6-1.1-18-5 if the appropriation is
- 13 an additional appropriation; and
- 14 (4) obtain the approval of the ~~department of local government~~
- 15 **finance local government capital project property tax control**
- 16 **board** for a tax levy under IC 6-1.1-18.5-8.

17 (b) The bond resolution must contain a finding that substance
18 removal or remedial action at the qualified site will be of public utility
19 and benefit because the conditions at the qualified site are detrimental
20 to the social and economic interests of the district.

21 SECTION 78. IC 36-8-15-15.1 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.1. (a) A board
23 may enter into a lease of any facility that may be financed with the
24 proceeds of bonds issued under this chapter with a lessor for a term not
25 to exceed fifty (50) years. The lease may provide for payments to be
26 made by the board from special benefits taxes levied under section 14
27 of this chapter and any other revenue available to the board, or any
28 combination of these sources.

29 (b) A lease may provide that payments by the board to the lessor are
30 required only to the extent and only for the period that the lessor is able
31 to provide the leased facilities in accordance with the lease. The terms
32 of each lease must be based upon the value of the facilities leased and
33 may not create a debt of the unit or the district for purposes of the
34 Constitution of the State of Indiana.

35 (c) A lease may be entered into by the board only after a public
36 hearing by the board at which all interested parties are given the
37 opportunity to be heard. Notice of the hearing must be given by
38 publication in accordance with IC 5-3-1. After the public hearing, the
39 board may adopt a resolution authorizing the execution of the lease on
40 behalf of the unit if the board finds that the service to be provided
41 throughout the term of the lease will serve the public purpose of the
42 unit and is in the best interests of the unit's residents. A lease approved

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1 by a resolution of the board must be approved by an ordinance of the
2 fiscal body of the unit.

3 (d) Upon execution of a lease providing for payments by the board
4 in whole or in part from the levy of special benefits taxes under section
5 14 of this chapter and upon approval of the lease by the fiscal body, the
6 board shall publish notice of the execution of the lease and its approval
7 in accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in
8 the district who will be affected by the lease and who may be of the
9 opinion that no necessity exists for the execution of the lease or that the
10 payments provided for in the lease are not fair and reasonable may file
11 a petition in the office of the county auditor within thirty (30) days after
12 the publication of the notice of execution and approval. The petition
13 must set forth the petitioners' names, addresses, and objections to the
14 lease and the facts showing that the execution of the lease is
15 unnecessary or unwise or that the payments provided for in the lease
16 are not fair and reasonable, as the case may be. Upon the filing of the
17 petition, the county auditor shall immediately certify a copy of it,
18 together with any other data necessary in order to present the questions
19 involved, to the ~~department of local government finance.~~ **local**
20 **government capital project property tax control board under**
21 **IC 6-1.1-17.5.** Upon receipt of the certified petition and information,
22 the ~~department of local government finance~~ **local government capital**
23 **project property tax control board** shall fix a time and place for the
24 hearing in the district, which must be not less than five (5) or more than
25 thirty (30) days after the time of the hearing is fixed. Notice of the
26 hearing shall be given by the ~~department of local government finance~~
27 **local government capital project property tax control board** to the
28 members of the fiscal body, the board, and the first fifty (50) petitioners
29 on the petition by a letter signed by ~~the commissioner or deputy~~
30 ~~commissioner of the department~~ **a member of the control board** and
31 enclosed with fully prepaid postage sent to those persons at their usual
32 place of residence, at least five (5) days before the date of the hearing.
33 The decision of the ~~department of local government finance~~ **local**
34 **government capital project property tax control board** on the
35 appeal, upon the necessity for the execution of the lease and as to
36 whether the payments under it are fair and reasonable, is final.

37 (e) A board entering into a lease that is payable from revenues or
38 other available funds of the board may:

39 (1) pledge the revenue to make payments under the lease as
40 provided in IC 5-1-14-4; and

41 (2) establish a special fund to make the payments.

42 Lease rentals may be limited to money in the special fund so that the

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1 obligations of the board to make the lease rental payments are not
2 considered a debt of the unit or the district for purposes of the
3 Constitution of the State of Indiana.

4 (f) Except as provided in this section, no approvals of a
5 governmental body or an agency are required before the board enters
6 into a lease under this section.

7 (g) An action to contest the validity of the lease or to enjoin the
8 performance of any of its terms and conditions must be brought within
9 thirty (30) days after the publication of the notice of the execution and
10 approval of the lease. However, if the lease is payable in whole or in
11 part from tax levies and an appeal has been taken to the ~~department of~~
12 ~~local government finance,~~ **local government capital project property**
13 **tax control board under IC 6-1.1-17.5,** an action to contest the
14 validity or to enjoin performance must be brought within thirty (30)
15 days after the decision of the ~~department:~~ **local government capital**
16 **project property tax control board.**

17 (h) If a board exercises an option to buy a leased facility from a
18 lessor, the board may subsequently sell the leased facility, without
19 regard to any other statutes, to the lessor at the end of the lease term at
20 a price set forth in the lease or at fair market value established at the
21 time of the sale by the board through an auction, appraisal, or arms
22 length negotiation. The board shall conduct a hearing after public
23 notice in accordance with IC 5-3-1 before the sale. An action to contest
24 the sale must be brought within fifteen (15) days after the hearing.

25 SECTION 79. IC 36-9-3-31 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) This section
27 applies to an authority that includes a county having a population of
28 more than four hundred thousand (400,000) but less than seven
29 hundred thousand (700,000).

30 (b) The authority may issue revenue or general obligation bonds
31 under this section.

32 (c) The board may issue revenue bonds of the authority for the
33 purpose of procuring money to pay the cost of acquiring real or
34 personal property for the purpose of this chapter. The issuance of bonds
35 must be authorized by resolution of the board and approved by the
36 county fiscal bodies of the counties in the authority before issuance.
37 The resolution must provide for the amount, terms, and tenor of the
38 bonds, and for the time and character of notice and mode of making
39 sale of the bonds.

40 (d) The bonds are payable at the times and places determined by the
41 board, but they may not run more than thirty (30) years after the date
42 of their issuance and must be executed in the name of the authority by

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1 an authorized officer of the board and attested by the secretary. The
2 interest coupons attached to the bonds may be executed by placing on
3 them the facsimile signature of the authorized officer of the board.

4 (e) The president of the authority shall manage and supervise the
5 preparation, advertisement, and sale of the bonds, subject to the
6 authorizing ordinance. Before the sale of bonds, the president shall
7 cause notice of the sale to be published in accordance with IC 5-3-1,
8 setting out the time and place where bids will be received, the amount
9 and maturity dates of the issue, the maximum interest rate, and the
10 terms and conditions of sale and delivery of the bonds. The bonds shall
11 be sold in accordance with IC 5-1-11. After the bonds have been
12 properly sold and executed, the executive director or president shall
13 deliver them to the controller of the authority and take a receipt for
14 them, and shall certify to the treasurer the amount that the purchaser is
15 to pay, together with the name and address of the purchaser. On
16 payment of the purchase price the controller shall deliver the bonds to
17 the purchaser, and the controller and executive director or president
18 shall report their actions to the board.

19 (f) General obligation bonds issued under this section are subject to
20 the provisions of IC 5-1 and IC 6-1.1-20 relating to the filing of a
21 petition requesting the issuance of bonds, the appropriation of the
22 proceeds of bonds, the right of taxpayers to appeal and be heard on the
23 proposed appropriation, the approval of the appropriation by the
24 ~~department of local government finance;~~ **local government capital**
25 **project property tax control board under IC 6-1.1-17.5,** the right of
26 taxpayers to remonstrate against the issuance of bonds, and the sale of
27 bonds for not less than their par value.

28 (g) Notice of the filing of a petition requesting the issuance of
29 bonds, notice of determination to issue bonds, and notice of the
30 appropriation of the proceeds of the bonds shall be given by posting in
31 the offices of the authority for a period of one (1) week and by
32 publication in accordance with IC 5-3-1.

33 (h) The bonds are not a corporate indebtedness of any unit, but are
34 an indebtedness of the authority as a municipal corporation. A suit to
35 question the validity of the bonds issued or to prevent their issuance
36 may not be instituted after the date set for sale of the bonds, and after
37 that date the bonds may not be contested for any cause.

38 (i) The bonds issued under this section and the interest on them are
39 exempt from taxation for all purposes except the financial institutions
40 tax imposed under IC 6-5.5 or a state inheritance tax imposed under
41 IC 6-4.1.

42 SECTION 80. IC 36-9-4-45 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. (a) Bonds
2 issued under this chapter:

- 3 (1) shall be issued in the denomination;
4 (2) are payable over a period not to exceed thirty (30) years from
5 the date of the bonds; and
6 (3) mature;

7 as determined by the ordinance authorizing the bond issue.

8 (b) All bonds issued under this chapter, the interest on them, and the
9 income from them are exempt from taxation to the extent provided by
10 IC 6-8-5-1.

11 (c) The provisions of IC 6-1.1-20 relating to filing petitions
12 requesting the issuance of bonds and giving notice of those petitions,
13 giving notice of a hearing on the appropriation of the proceeds of the
14 bonds, the right of taxpayers to appear and be heard on the proposed
15 appropriation, the approval of the appropriation by the ~~department of~~
16 ~~local government finance~~, **local government capital project property**
17 **tax control board under IC 6-1.1-17.5**, and the right of taxpayers to
18 remonstrate against the issuance of bonds apply to the issuance of
19 bonds under this chapter.

20 (d) A suit to question the validity of bonds issued under this chapter
21 or to prevent their issue and sale may not be instituted after the date set
22 for the sale of the bonds, and the bonds are incontestable after that date.

23 SECTION 81. IC 36-9-13-28 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) If the terms
25 and conditions of a proposed lease are approved under section 27 of
26 this chapter, notice of the approval of the lease shall be given on behalf
27 of the eligible entity by publication in accordance with IC 5-3-1. Ten
28 (10) or more taxpayers in the eligible entity:

- 29 (1) whose tax rate will be affected by the proposed lease; and
30 (2) who are of the opinion that there is no necessity for the lease,
31 or that the method of determining the lease rental is not fair and
32 reasonable;

33 may file a petition in the office of the county auditor within thirty (30)
34 days after publication of notice of the approval of the lease. The
35 petition must set forth their objections to the lease and facts showing
36 that the lease is unnecessary or unwise, or that the method of
37 determining the lease rental is not fair and reasonable.

38 (b) Upon the filing of a petition under subsection (a), the county
39 auditor shall immediately certify a copy of it, together with any other
40 data necessary to present the questions involved, to the ~~department of~~
41 ~~local government finance~~, **local government capital project property**
42 **tax control board under IC 6-1.1-17.5**. Not less than five (5) nor

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1 more than fifteen (15) days after receipt of the certified petition and
2 data, the ~~department of local government finance~~ **local government**
3 **capital project property tax control board** shall fix a time and place
4 in the county for the hearing of the matter. The ~~department of local~~
5 ~~government finance~~ **local government capital project property tax**
6 **control board** shall give notice of the hearing to the eligible entity and
7 to the first ten (10) petitioners on the petition by registered mail, at
8 least five (5) days before the date of the hearing.

9 (c) The decision of the ~~department of local government finance~~
10 **local government capital project property tax control board under**
11 **IC 6-1.1-17.5** on a petition under this section is final.

12 (d) An action to contest the validity of the lease or to enjoy the
13 performance of any of its terms and conditions must be instituted
14 within thirty (30) days after publication of notice of the approval of the
15 lease, or if an appeal has been taken to the ~~department of local~~
16 ~~government finance;~~ **local government capital project property tax**
17 **control board**, within thirty (30) days after the decision of the
18 ~~department;~~ **local government capital project property tax control**
19 **board.**

20 SECTION 82. IC 36-9-15-10 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The county
22 fiscal body may establish a debt service fund for the payment of:

23 (1) a debt or other obligation arising out of money borrowed or
24 advanced for a jail that it purchases from the proceeds of a bond
25 issue for capital construction under IC 36-2-6-18; or

26 (2) a lease to provide capital construction under IC 36-1-10.

27 (b) The county fiscal body shall levy a tax each year in an amount
28 sufficient to pay all debt service obligations for jails for that year.
29 ~~IC 6-1.1-18.5-8~~ **IC 6-1.1-17.5** applies to such a tax levy.

30 SECTION 83. IC 36-9-30-27 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. In anticipation
32 of the acquisition of a site and the construction and erection of solid
33 waste disposal facilities, including the necessary equipment and
34 appurtenances, a unit may enter into a lease with option to purchase
35 with a lessor corporation, subject to the approval of the ~~department of~~
36 ~~local government finance;~~ **local government capital project property**
37 **tax control board.** Such a lease may not provide for the payment of
38 any lease rental by the lessee until the facilities are completed and
39 ready for solid waste disposal. The lessor corporation shall agree in the
40 lease to furnish a bond satisfactory to the lessee and conditioned upon
41 final completion of the facilities within the period specified in the
42 lease, except for unavoidable delays.

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1 SECTION 84. IC 36-9-31-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. In order to
3 provide for the collection and disposal of waste in the consolidated city
4 and for the management, operation, acquisition, and financing of
5 facilities for waste disposal, the board may exercise the following
6 powers on behalf of the city, in addition to the powers specifically set
7 forth elsewhere in this chapter:

8 (1) To sue and be sued.

9 (2) To exercise the power of eminent domain as provided in
10 IC 32-24 within the corporate boundaries of the city. However,
11 the power of eminent domain may not be exercised to acquire the
12 property of any public utility used for the production or
13 distribution of energy.

14 (3) To provide for the collection of waste accumulated within the
15 service district and to provide for disposal of waste accumulated
16 within the waste disposal district, including contracting with
17 persons for collection, disposal, or waste storage, and the recovery
18 of byproducts from waste, and granting these persons the right to
19 collect and dispose of any such wastes and store and recover
20 byproducts from them.

21 (4) To plan, design, construct, finance, manage, own, lease,
22 operate, and maintain facilities for waste disposal.

23 (5) To enter into all contracts or agreements necessary or
24 incidental to the collection, disposal, or recovery of byproducts
25 from waste, such as put or pay contracts, contracts and
26 agreements for the design, construction, operation, financing,
27 ownership, or maintenance of facilities or the processing or
28 disposal of waste or the sale or other disposition of any products
29 generated by a facility. Notwithstanding any other statute, any
30 such contract or agreement may be for a period not to exceed forty
31 (40) years.

32 (6) To enter into agreements for the leasing of facilities in
33 accordance with IC 36-1-10. However, any such agreement
34 having an original term of five (5) or more years is subject to
35 approval by the ~~department of local government finance~~ **local**
36 **government capital project property tax control board** under
37 IC 6-3.5. Such an agreement may be executed before approval,
38 but if the ~~department of local government finance~~ **local**
39 **government capital project property tax control board** does
40 not approve the agreement, it is void.

41 (7) To purchase, lease, or otherwise acquire real or personal
42 property.

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- 1 (8) To contract for architectural, engineering, legal, or other
- 2 professional services.
- 3 (9) To exclusively control, within the city, the collection,
- 4 transportation, storage, and disposal of waste and, subject to the
- 5 provisions of sections 6 and 8 of this chapter, to fix fees in
- 6 connection with these matters.
- 7 (10) To determine exclusively the location and character of any
- 8 facility, subject to local zoning ordinances and environmental
- 9 management laws (as defined in IC 13-11-2-71).
- 10 (11) To sell or lease to any person any facility or part of it.
- 11 (12) To make and contract for plans, surveys, studies, and
- 12 investigations.
- 13 (13) To enter upon property to make surveys, soundings, borings,
- 14 and examinations.
- 15 (14) To accept gifts, grants, or loans of money, other property, or
- 16 services from any source, public or private, and to comply with
- 17 their terms.
- 18 (15) To issue from time to time waste disposal district bonds to
- 19 finance the cost of facilities as provided in section 9 of this
- 20 chapter.
- 21 (16) To issue from time to time revenue bonds to finance the cost
- 22 of facilities as provided in section 10 of this chapter.
- 23 (17) To issue from time to time waste disposal development
- 24 bonds to finance the cost of facilities as provided in section 11 of
- 25 this chapter.
- 26 (18) To issue from time to time notes in anticipation of grants or
- 27 in anticipation of the issuance of bonds to finance the cost of
- 28 facilities as provided in section 13 of this chapter.
- 29 (19) To establish fees for the collection and disposal of waste,
- 30 subject to the provisions of sections 6 and 8 of this chapter.
- 31 (20) To levy a tax within the service district to pay costs of
- 32 operation in connection with waste collection, waste disposal,
- 33 mowing services, and animal control, subject to regular budget
- 34 and tax levy procedures. For purposes of this subdivision,
- 35 "mowing services" refers only to mowing services for
- 36 rights-of-way or on vacant property.
- 37 (21) To levy a tax within the waste disposal district to pay costs
- 38 of operation in connection with waste disposal, subject to regular
- 39 budget and tax levy procedures.
- 40 (22) To borrow in anticipation of taxes.
- 41 (23) To employ staff engineers, clerks, secretaries, and other
- 42 employees in accordance with an approved budget.

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1 (24) To issue requests for proposals and requests for
 2 qualifications as provided in section 4 of this chapter.
 3 (25) To require all persons located within the service district or
 4 waste disposal district to deposit waste at sites designated by the
 5 board.
 6 (26) To otherwise do all things necessary for the collection and
 7 disposal of waste and the recovery of byproducts from it.
 8 SECTION 85. IC 36-9-31-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Any put or
 10 pay contract may provide for payments to be made by the consolidated
 11 city under the contract from:
 12 (1) the levy of taxes;
 13 (2) revenues;
 14 (3) any other available funds of the consolidated city; or
 15 (4) any combination of the foregoing.
 16 (b) A put or pay contract may further provide that payments by the
 17 consolidated city to the other person to the contract are required only
 18 to the extent and only for the period or periods that person is able to
 19 accept and dispose of waste in accordance with the contract had such
 20 waste been delivered to the person.
 21 (c) A put or pay contract may be entered into by the consolidated
 22 city extending for a period of five (5) years or more only after a public
 23 hearing by the board, at which all interested persons shall be heard.
 24 After the public hearing, the board may adopt a resolution authorizing
 25 the execution of the contract on behalf of the city if it finds that the
 26 estimated amount of waste to be provided throughout the term of the
 27 contract will not be less than the specified amount of waste required to
 28 be provided by the contract.
 29 (d) A put or pay contract providing for payments by the consolidated
 30 city in whole or in part from the levy of taxes is not valid unless
 31 approved by ordinance of the city-county legislative body. Upon
 32 execution of such a contract and approval by the legislative body, the
 33 board shall cause notice of the execution of the contract and its
 34 approval to be given by public notice. Fifty (50) or more taxpayers
 35 residing in the city who will be affected by the contract and who may
 36 be of the opinion that no necessity exists for the execution of the
 37 contract or that the payments provided for in the contract are not fair
 38 and reasonable may file a petition in the office of the county auditor
 39 within thirty (30) days after the publication of the notice of execution
 40 and approval, setting forth their names, addresses, and objections to the
 41 contract and the facts showing that the execution of the contract is
 42 unnecessary or unwise or that the payments provided for in the contract

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1 are not fair and reasonable, as the case may be. Upon the filing of the
 2 petition, the county auditor shall immediately certify a copy of it,
 3 together with such other data as may be necessary in order to present
 4 the questions involved, to the ~~department of local government finance~~
 5 **local government capital project property tax control board under**
 6 **IC 6-1.1-17.5**. Upon receipt of the certified petition and information,
 7 the ~~department of local government finance~~ **local government capital**
 8 **project property tax control board** shall fix a time and place for the
 9 hearing of the matter, which must be not less than five (5) nor more
 10 than thirty (30) days thereafter in the city. Notice of the hearing shall
 11 be given by the ~~department of local government finance~~ **local**
 12 **government capital project property tax control board** to the
 13 members of the board and to the first fifty (50) taxpayer-petitioners
 14 upon the petition by a letter signed by ~~the commissioner or deputy~~
 15 ~~commissioner of the department of local government finance~~ **a**
 16 **member of the control board** and enclosed with fully prepaid postage
 17 sent to those persons at their usual place of residence, at least five (5)
 18 days before the date of the hearing. The decision of the ~~department of~~
 19 ~~local government finance~~ **local government capital project property**
 20 **tax control board** on the appeal, upon the necessity for the execution
 21 of the contract, and as to whether the payments under it are fair and
 22 reasonable, is final.

23 (e) An action to contest the validity of the contract or to enjoin the
 24 performance of any of its terms and conditions must be brought within
 25 thirty (30) days after the publication of notice of the execution and
 26 approval of the contract, or if an appeal has been taken to the
 27 ~~department of local government finance~~; **local government capital**
 28 **project property tax control board under IC 6-1.1-17.5**, then within
 29 thirty (30) days after the decision of the ~~department~~; **local government**
 30 **capital project property tax control board**.

31 (f) After the consolidated city has entered into a put or pay contract
 32 under this section, the city-county legislative body shall annually levy
 33 a tax sufficient to produce each year the necessary amount, with other
 34 amounts available, if any, that is sufficient to pay the amounts that the
 35 contract provides are to be paid from the levy of taxes. The tax levies
 36 provided for in this chapter are reviewable by other bodies vested by
 37 law with authority to ascertain that the levies are sufficient to raise the
 38 amount that, with other amounts available, is sufficient to meet the
 39 payments under the contract payable from the levy of taxes.

40 SECTION 86. IC 36-10-3-24 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) In order to
 42 raise money to pay for land to be acquired for any of the purposes

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1 named in this chapter, to pay for an improvement authorized by this
 2 chapter, or both, and in anticipation of the special benefit tax to be
 3 levied as provided in this chapter, the board shall cause to be issued, in
 4 the name of the unit, the bonds of the district. The bonds may not
 5 exceed in amount the total cost of all land to be acquired and all
 6 improvements described in the resolution, including all expenses
 7 necessarily incurred in connection with the proceedings, together with
 8 a sum sufficient to pay the costs of supervision and inspection during
 9 the period of construction of a work. The expenses to be covered in the
 10 bond issue include all expenses of every kind actually incurred
 11 preliminary to acquiring the land and the construction of the work, such
 12 as the cost of the necessary record, engineering expenses, publication
 13 of notices, preparation of bonds, and other necessary expenses. If more
 14 than one (1) resolution or proceeding of the board under section 23 of
 15 this chapter is confirmed whereby different parcels of land are to be
 16 acquired, or more than one (1) contract for work is let by the board at
 17 approximately the same time, the cost involved under all of the
 18 resolutions and proceedings may be included in one (1) issue of bonds.

19 (b) The bonds may be issued in any denomination not less than one
 20 thousand dollars (\$1,000) each, in not less than five (5) nor more than
 21 forty (40) annual series. The bonds are payable one (1) series each
 22 year, beginning at a date after the receipt of taxes from a levy made for
 23 that purpose. The bonds are negotiable. The bonds may bear interest at
 24 any rate, payable semiannually. After adopting a resolution ordering
 25 bonds, the board shall certify a copy of the resolution to the unit's fiscal
 26 officer. The fiscal officer shall prepare the bonds and the unit's
 27 executive shall execute them, attested by the fiscal officer.

28 (c) The bonds and the interest on them are exempt from taxation as
 29 prescribed by IC 6-8-5-1. Bonds issued under this section are subject
 30 to the provisions of IC 5-1 and IC 6-1.1-20 relating to the filing of a
 31 petition requesting the issuance of bonds, the right of taxpayers to
 32 remonstrate against the issuance of bonds, the appropriation of the
 33 proceeds of the bonds and approval by the ~~department of local~~
 34 ~~government finance;~~ **local government capital project property tax**
 35 **control board under IC 6-1.1-17.5**, and the sale of bonds at public
 36 sale for not less than their par value.

37 (d) The board may not have bonds of the district issued under this
 38 section that are payable by special taxation when the total issue for that
 39 purpose, including the bonds already issued or to be issued, exceeds
 40 two percent (2%) of the adjusted value of the taxable property in the
 41 district as determined under IC 36-1-15. All bonds or obligations
 42 issued in violation of this subsection are void. The bonds are not

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1 obligations or indebtedness of the unit, but constitute an indebtedness
 2 of the district as a special taxing district. The bonds and interest are
 3 payable only out of a special tax levied upon all the property of the
 4 district as prescribed by this chapter. The bonds must recite the terms
 5 upon their face, together with the purposes for which they are issued.

6 SECTION 87. IC 36-10-7-8 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section
 8 applies to all townships having a population of less than two thousand
 9 (2,000).

10 (b) The township executive may lease, purchase, accept by grant,
 11 devise, bequest, or other conveyance to the township, or otherwise
 12 acquire land for park purposes and may make necessary improvements
 13 only as provided by this section.

14 (c) The legislative body may establish a township park and may, by
 15 resolution, appropriate from the general fund of the township the
 16 necessary money to lease, purchase, accept, or otherwise acquire land
 17 for park purposes or make improvements thereon. The executive shall
 18 then lease, purchase, accept, or acquire the land for park purposes or
 19 shall make improvements thereon as directed in the resolution.
 20 However, the costs of the park grounds or of the improvements
 21 provided for in the resolution may not exceed in one (1) year one-fifth
 22 of one percent (0.2%) of the adjusted value of all taxable property of
 23 the township as determined under IC 36-1-15.

24 (d) If a park has been established under this section, the executive
 25 shall have the park maintained and may make improvements and
 26 construct and maintain facilities for the comfort and convenience of the
 27 public. However, the executive annually may not spend more than one
 28 cent (\$.01) on each one hundred dollars (\$100) of assessed valuation
 29 of taxable property in the township as it appears on the tax duplicates
 30 of the auditor of the county in which the township is located. The
 31 money shall be paid from the general fund of the township.

32 (e) If the general fund of the township is insufficient to meet the
 33 expenses of acquiring or improving the land for park purposes, the
 34 executive shall call a special meeting of the legislative body by written
 35 notice to each member of the legislative body at least three (3) days
 36 before the date of the meeting. The notice must state the time, place,
 37 and purpose of the meeting. The legislative body shall meet and
 38 determine whether an emergency exists for the issuance of the warrants
 39 or bonds of the township. The legislative body shall, by resolution,
 40 authorize the issuance and sale of the warrants or bonds of the
 41 township in an amount not exceeding two percent (2%) of the adjusted
 42 value of all taxable property in the township as determined under

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1 IC 36-1-15. The amount of bonds may not exceed the total estimated
 2 cost of all land to be acquired and all improvements described in the
 3 resolution, including all expenses necessarily incurred in connection
 4 with the proceedings. The proceeds from the sale of the bonds shall be
 5 deposited in the general fund of the township. The bonds become due
 6 and payable not less than two (2) nor more than ten (10) years after the
 7 date of issuance, may bear interest at any rate, and may not be sold for
 8 less than par value. The bonds shall be sold after giving notice of the
 9 sale of bonds in accordance with IC 5-3-1. The bonds and the interest
 10 thereon are exempt from taxation as provided by IC 6-8-5 and are
 11 subject to the provisions of IC 6-1.1-20 relating to the filing of a
 12 petition requesting the issuance of bonds, the appropriation of the
 13 proceeds of the bonds, and the approval by the ~~department of local~~
 14 ~~government finance:~~ **local government capital project property tax**
 15 **control board.**

16 (f) The legislative body shall, at its next annual meeting after
 17 authorization of bonds and annually each following year, levy a
 18 sufficient tax against all the taxable property of the township to pay the
 19 principal of the bonds, together with accruing interest, as they become
 20 due. The executive shall apply the money received from the levy only
 21 to the payment of bonds and interest as they become due.

22 (g) In addition to the levy required by subsection (f), the legislative
 23 body shall, when a park has been established under this section and at
 24 every annual meeting after establishment, levy a tax not exceeding one
 25 cent (\$0.01) on each one hundred dollars (\$100) of taxable property in
 26 the township. The levy required by this subsection shall be used by the
 27 executive for the maintenance and improvement of the park. The
 28 executive may not expend more for maintenance and improvement of
 29 the park than the amount collected by the levy except:

30 (1) upon petition by fifty-one percent (51%) of the taxpayers of
 31 the township; or

32 (2) when warrants or bonds are to be issued under this section to
 33 finance the expenses of improvements.

34 The amount received from the levy shall be deposited in the general
 35 fund of the township.

36 (h) A park established under this section shall be kept open to the
 37 public in accordance with rules prescribed by the executive.

38 (i) If the executive determines that land or other property used for
 39 park purposes under this section should be disposed of and that the
 40 park should no longer be maintained, the executive shall appoint three
 41 (3) disinterested appraisers to appraise the property. The property shall
 42 then be disposed of either at public or private sale for at least its

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1 appraised value.

2 (j) This subsection applies if the township sells the property by

3 acceptance of bids. A bid submitted by a trust (as defined in

4 IC 30-4-1-1(a)) must identify each:

5 (1) beneficiary of the trust; and

6 (2) settlor empowered to revoke or modify the trust.

7 (k) All money from the sale of park property, less the expenses

8 incurred in making the appraisal and sale, shall be paid into the general

9 fund of the township.

10 SECTION 88. IC 36-10-7.5-22 IS AMENDED TO READ AS

11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) To raise

12 money to pay for land to be acquired for any of the purposes named in

13 this chapter or to pay for an improvement authorized by this chapter

14 and in anticipation of the special benefit tax to be levied as provided in

15 this chapter, the legislative body shall issue in the name of the

16 township the bonds of the district. The bonds may not exceed in

17 amount the total cost of all land to be acquired and all improvements

18 described in the resolution, including all expenses necessarily incurred

19 in connection with the proceedings, together with a sum sufficient to

20 pay the costs of supervision and inspection during the period of

21 construction of a work. The expenses to be covered in the bond issue

22 include all expenses of every kind actually incurred preliminary to

23 acquiring the land and the construction of the work, such as the cost of

24 the necessary record, engineering expenses, publication of notices,

25 preparation of bonds, and other necessary expenses. If more than one

26 (1) resolution or proceeding of the legislative body under this chapter

27 is confirmed whereby different parcels of land are to be acquired or

28 more than one (1) contract for work is let by the executive at

29 approximately the same time, the cost involved under all of the

30 resolutions and proceedings may be included in one (1) issue of bonds.

31 (b) The bonds may be issued in any denomination not less than one

32 thousand dollars (\$1,000) each, in not less than five (5) nor more than

33 forty (40) annual series. The bonds are payable one (1) series each

34 year, beginning at a date after the receipt of taxes from a levy made for

35 that purpose. The bonds are negotiable. The bonds may bear interest at

36 any rate, payable semiannually. After adopting a resolution ordering

37 bonds, the legislative body shall certify a copy of the resolution to the

38 township's fiscal officer. The fiscal officer shall prepare the bonds and

39 the executive shall execute the bonds, attested by the fiscal officer.

40 (c) The bonds and the interest on the bonds are exempt from

41 taxation as prescribed by IC 6-8-5-1. Bonds issued under this section

42 are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to the

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1 filing of a petition requesting the issuance of bonds, the right of
 2 taxpayers to remonstrate against the issuance of bonds, the
 3 appropriation of the proceeds of the bonds with the approval of the
 4 ~~department of local government finance~~, **local government capital**
 5 **project property tax control board under IC 6-1.1-17.5**, and the sale
 6 of bonds at public sale for not less than the par value of the bonds.

7 (d) The legislative body may not have bonds of the district issued
 8 under this section that are payable by special taxation when the total
 9 issue for that purpose, including the bonds already issued or to be
 10 issued, exceeds two percent (2%) of the total adjusted value of the
 11 taxable property in the district as determined under IC 36-1-15. All
 12 bonds or obligations issued in violation of this subsection are void. The
 13 bonds are not obligations or indebtedness of the township but constitute
 14 an indebtedness of the district as a special taxing district. The bonds
 15 and interest are payable only out of a special tax levied upon all the
 16 property of the district as prescribed by this chapter. A bond must
 17 recite the terms upon the face of the bond, together with the purposes
 18 for which the bond is issued.

19 SECTION 89. IC 36-10-8-16 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A capital
 21 improvement may be financed in whole or in part by the issuance of
 22 general obligation bonds of the county or, if the authority was created
 23 under IC 18-7-18 (before its repeal on February 24, 1982), also of the
 24 city, if the board determines that the estimated annual net income of the
 25 capital improvement, plus the estimated annual tax revenues to be
 26 derived from any tax revenues made available for this purpose, will not
 27 be sufficient to satisfy and pay the principal of and interest on all bonds
 28 issued under this chapter, including the bonds then proposed to be
 29 issued.

30 (b) If the board desires to finance a capital improvement in whole
 31 or in part as provided in this section, it shall have prepared a resolution
 32 to be adopted by the county executive authorizing the issuance of
 33 general obligation bonds, or, if the authority was created under
 34 IC 18-7-18 (before its repeal on February 24, 1982), by the fiscal body
 35 of the city authorizing the issuance of general obligation bonds. The
 36 resolution must set forth an itemization of the funds and assets received
 37 by the board, together with the board's valuation and certification of the
 38 cost. The resolution must state the date or dates on which the principal
 39 of the bonds is payable, the maximum interest rate to be paid, and the
 40 other terms upon which the bonds shall be issued. The board shall
 41 submit the proposed resolution to the proper officers, together with a
 42 certificate to the effect that the issuance of bonds in accordance with

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1 the resolution will be in compliance with this section. The certificate
 2 must also state the estimated annual net income of the capital
 3 improvement to be financed by the bonds, the estimated annual tax
 4 revenues, and the maximum amount payable in any year as principal
 5 and interest on the bonds issued under this chapter, including the bonds
 6 proposed to be issued, as the maximum interest rate set forth in the
 7 resolution. The bonds issued may mature over a period not exceeding
 8 forty (40) years from the date of issue.

9 (c) Upon receipt of the resolution and certificate the proper officers
 10 may adopt them and take all action necessary to issue the bonds in
 11 accordance with the resolution. An action to contest the validity of
 12 bonds issued under this section may not be brought after the fifteenth
 13 day following the receipt of bids for the bonds.

14 (d) The provisions of all general statutes relating to:

15 (1) the filing of a petition requesting the issuance of bonds and
 16 giving notice;

17 (2) the right of taxpayers to remonstrate against the issuance of
 18 bonds;

19 (3) the giving of notice of the determination to issue bonds;

20 (4) the giving of notice of a hearing on the appropriation of the
 21 proceeds of bonds;

22 (5) the right of taxpayers to appear and be heard on the proposed
 23 appropriation;

24 (6) the approval of the appropriation by the ~~department of local~~
 25 ~~government finance~~; **local government capital project property**
 26 **tax control board under IC 6-1.1-17.5**; and

27 (7) the sale of bonds at public sale;

28 apply to the issuance of bonds under this section.

29 SECTION 90. IC 36-10-9-15 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A capital
 31 improvement may be financed in whole or in part by the issuance of
 32 general obligation bonds of the county.

33 (b) If the board desires to finance a capital improvement in whole
 34 or in part as provided in this section, it shall have prepared a resolution
 35 to be adopted by the board of commissioners of the county authorizing
 36 the issuance of general obligation bonds. The resolution must state the
 37 date or dates on which the principal of the bonds is payable, the
 38 maximum interest rate to be paid, and the other terms upon which the
 39 bonds shall be issued. The board shall submit the proposed resolution
 40 to the board of commissioners of the county, together with a certificate
 41 to the effect that the issuance of bonds in accordance with the
 42 resolution will be in compliance with this section. The certificate must

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1 also state the estimated annual net income of the capital improvement
2 to be financed by the bonds, the estimated annual tax revenues, and the
3 maximum amount payable in any year as principal and interest on the
4 bonds issued under this chapter, including the bonds proposed to be
5 issued, at the maximum interest rate set forth in the resolution. The
6 bonds issued may mature over a period not exceeding forty (40) years
7 from the date of issue.

8 (c) Upon receipt of the resolution and certificate, the board of
9 commissioners of the county may adopt them and take all action
10 necessary to issue the bonds in accordance with the resolution. An
11 action to contest the validity of bonds issued under this section may not
12 be brought after the fifteenth day following the receipt of bids for the
13 bonds.

14 (d) The provisions of all general statutes relating to:
15 (1) the filing of a petition requesting the issuance of bonds and
16 giving notice;
17 (2) the right of taxpayers to remonstrate against the issuance of
18 bonds;
19 (3) the giving of notice of the determination to issue bonds;
20 (4) the giving of notice of a hearing on the appropriation of the
21 proceeds of bonds;
22 (5) the right of taxpayers to appear and be heard on the proposed
23 appropriation;
24 (6) the approval of the appropriation by the ~~department of local~~
25 ~~government finance;~~ **local government capital project property**
26 **tax control board under IC 6-1.1-17.5;** and
27 (7) the sale of bonds at public sale for not less than par value;
28 are applicable to the issuance of bonds under this section.

29 SECTION 91. IC 36-10-10-12 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. A lease under
31 this chapter must provide for the payment of the lease rental by the city
32 from the levy of taxes against the real and personal property located
33 within the city. The lease is subject to approval by the ~~department of~~
34 ~~local government finance~~ **local government capital project property**
35 **tax control board** under IC 6-3.5. The lease may be executed before
36 approval. However, if the ~~department of local government finance~~ **local**
37 **government capital project property tax control board** does not
38 approve the lease, it is void.

39 SECTION 92. IC 36-10-11-16 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The lease
41 shall be executed on behalf of the governmental entity by an officer
42 authorized by law to execute contracts for the entity and on behalf of

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1 the authority by both the president or vice president of the board and
2 the secretary of the board of directors.

3 (b) Notice of the execution of the lease shall be given by the
4 governmental entity by publication as provided in IC 5-3-1.

5 (c) A lease may not be executed with annual lease rental exceeding
6 an aggregate of two hundred seventy-five thousand dollars (\$275,000)
7 unless the fiscal body of the lessee governmental entity finds that the
8 estimated annual net income to the lessee governmental entity from the
9 civic center, plus any other nonproperty tax funds made available
10 annually for the payment of the lease rental, will not be less than the
11 amount of the excess.

12 (d) The lease is subject to approval by the ~~department of local~~
13 ~~government finance~~ **local government capital project property tax**
14 **control board** under IC 6-3.5. The lease may be executed before
15 approval. However, if the ~~department of local government finance~~ **local**
16 **government capital project property tax control board** does not
17 approve the lease, it is void. The ~~department of local government~~
18 ~~finance~~ **local government capital project property tax control**
19 **board** may not approve the lease under IC 6-3.5-1.1-8 unless it finds
20 that the condition prescribed in subsection (c) is satisfied.

21 (e) All net revenues of the leased building, together with any other
22 funds made available for the payment of lease rental, shall be
23 transferred at least annually by the lessee to a fund for payment of lease
24 rental.

25 SECTION 93. THE FOLLOWING ARE REPEALED [EFFECTIVE
26 JANUARY 1, 2008]: IC 12-19-7-7; IC 12-19-7-11.1; IC 12-19-7-17;
27 IC 12-19-7-18; IC 12-19-7-19; IC 12-19-7-20; IC 12-19-7-21;
28 IC 12-19-7-22; IC 12-19-7-23; IC 12-19-7-24; IC 12-19-7-25;
29 IC 12-19-7-26; IC 12-19-7-27; IC 12-19-7-28; IC 12-19-7-29;
30 IC 12-19-7-30; IC 12-19-7-31; IC 12-19-7-32; IC 12-19-7-33.

31 SECTION 94. [EFFECTIVE JULY 1, 2007] **(a) The following**
32 **definitions apply throughout this SECTION:**

- 33 (1) "Child services" has the meaning set forth in IC 12-19-7-1.
34 (2) "Net cost" refers to costs unreimbursed before January 1,
35 2008, from grants, fees, or other charges.

36 **(b) This subsection applies to the repayment of the following:**

- 37 (1) Loans made to a county family and children's fund from
38 another fund to pay for child services provided before
39 January 1, 2008.
40 (2) Loans made to a county family and children's fund under
41 IC 12-19-5 (as effective before January 1, 2008) to pay for
42 child services provided before January 1, 2008.

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1 **(3) Bonds issued under IC 12-19-7 (as effective before**
 2 **January 1, 2008) to pay for child services provided before**
 3 **January 1, 2008.**

4 **After December 31, 2007, a county may not levy a property tax**
 5 **from the family and children's fund to pay the interest and**
 6 **principal on a loan or bond described in this subsection. To the**
 7 **extent that an obligation remains after applying the distribution**
 8 **made under subsection (i)(1) to the obligation, the county shall**
 9 **repay the interest and principal on the loan or bond from an**
 10 **additional levy imposed for the county's debt service fund.**

11 **(c) The ad valorem property tax levy limits imposed by**
 12 **IC 6-1.1-18.5-3 do not apply to ad valorem property taxes imposed**
 13 **by a civil taxing unit to pay or fund an obligation transferred to the**
 14 **debt service fund under subsection (b). For purposes of computing**
 15 **the ad valorem property tax levy limits imposed on a civil taxing**
 16 **unit by IC 6-1.1-18.5-3, the civil taxing unit's ad valorem property**
 17 **tax levy for a calendar year does not include that part of a levy that**
 18 **is committed to fund or pay an obligation described in subsection**
 19 **(b).**

20 **(d) IC 6-1.1-18.5-8(b) does not apply to an obligation described**
 21 **in subsection (b), including any levy imposed to refinance the**
 22 **obligation.**

23 **(e) A levy to pay an obligation described in subsection (b) is not**
 24 **part of a county's total county tax levy (as defined in IC 6-1.1-21-2,**
 25 **as amended by this act) for purposes of calculating property tax**
 26 **replacement credits or homestead credits.**

27 **(f) IC 12-19-7-4 and IC 12-19-7-11, both as amended by this act,**
 28 **and the repeal of IC 12-19-7-7 by this act do not apply to the 2007**
 29 **child services budget or the 2007 property tax levy for the family**
 30 **and children's fund. However, a county and the department of**
 31 **child services shall, in 2007, prepare and adopt the 2008 budget for**
 32 **child services and the 2008 property tax levy for the family and**
 33 **children's fund in conformity with IC 12-19-7-4 and IC 12-19-7-11,**
 34 **as amended by this act, and in a manner that treats IC 12-19-7-7**
 35 **as repealed.**

36 **(g) The department of local government finance, with the**
 37 **assistance of the department of child services and the budget**
 38 **agency, shall determine the sum of the following for each county:**

39 **(1) The greater of zero (0) or the result of:**

40 **(A) the net cost to the county for child services provided in**
 41 **2006 that were payable from property taxes (including any**
 42 **balance in the county family and children's fund on**

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1 **January 1, 2006, that was derived from property taxes) or**
 2 **the proceeds of any bond, loan, or transfer to the county**
 3 **family and children's fund from another fund; minus**
 4 **(B) the net cost to the county for child services provided in**
 5 **2005 that were payable from property taxes (including any**
 6 **balance in the county family and children's fund on**
 7 **January 1, 2005, that was derived from property taxes) or**
 8 **the proceeds of any bond, loan, or transfer to the county**
 9 **family and children's fund from another fund, as certified**
 10 **by the department of local government finance under**
 11 **IC 12-19-7-4.**

12 **(2) The greater of zero (0) or the result of:**

13 **(A) the net cost to the county for child services provided in**
 14 **2007 that were payable from property taxes (including any**
 15 **balance in the county family and children's fund on**
 16 **January 1, 2007, that was derived from property taxes) or**
 17 **the proceeds of any bond, loan, or transfer to the county**
 18 **family and children's fund from another fund; minus**

19 **(B) the net cost to the county for child services provided in**
 20 **2005 that were payable from property taxes (including any**
 21 **balance in the county family and children's fund on**
 22 **January 1, 2005, that was derived from property taxes) or**
 23 **the proceeds of any bond, loan, or transfer to the county**
 24 **family and children's fund from another fund, as certified**
 25 **by the department of local government finance under**
 26 **IC 12-19-7-4.**

27 **Not later than the date that the department of local government**
 28 **finance certifies the property tax levies, property tax rates, and**
 29 **budget of a county, the department of local government finance**
 30 **shall certify the amount determined under this subsection to the**
 31 **county auditor for the county and the budget agency.**

32 **(h) The department of local government finance shall reduce the**
 33 **property tax levies and property tax rates that would otherwise be**
 34 **certified in 2008 for a county under IC 6-1.1-17-16 by the amount**
 35 **determined for the county under subsection (i)(2).**

36 **(i) Not later than March 1, 2008, the budget agency shall**
 37 **distribute to the county auditor for a county the amount**
 38 **determined for the county under subsection (g). An amount**
 39 **distributed under this subsection may be deposited and used by a**
 40 **county only as follows:**

41 **(1) Money distributed under this subsection must be used to**
 42 **pay the principal, interest, and any other costs related to**

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1 retiring an obligation transferred to the county's debt service
2 fund under this SECTION.
3 (2) Any money remaining after the retirement of all debt
4 described in subdivision (1) shall be treated as part of the
5 county's ad valorem property tax levy for 2008 and shall be
6 used to replace revenue lost as the result of the reduction in
7 the county's property tax levies and property tax rates under
8 subsection (h).
9 SECTION 95. [EFFECTIVE JANUARY 1, 2008] IC 6-1.1-4-17,
10 IC 6-1.1-4-18.5, IC 6-1.1-4-19.5, IC 6-1.1-4-20, IC 6-1.1-4-21,
11 IC 6-1.1-4-31.5, IC 6-1.1-35-9, IC 6-1.1-35-11, IC 6-1.1-36-12, and
12 IC 36-6-8-5, all as amended by this act:
13 (1) apply only to a contract executed after December 31, 2007;
14 and
15 (2) do not affect a contract:
16 (A) executed before January 1, 2008; and
17 (B) whose term extends beyond December 31, 2007.
18 SECTION 96. [EFFECTIVE UPON PASSAGE] Notwithstanding
19 IC 6-1.1-17.5-1, as added by this act, the initial appointments to the
20 local government property tax control board in each county shall
21 be made before July 1, 2007.
22 SECTION 97. [EFFECTIVE JULY 1, 2007] IC 6-1.1-18.5-1, as
23 amended by this act, applies to the determination of the maximum
24 permissible ad valorem property tax levy for property taxes first
25 due and payable after December 31, 2007.
26 SECTION 98. [EFFECTIVE UPON PASSAGE] (a) The definitions
27 in IC 6-1.1-17.5, as added by this act, apply throughout this
28 SECTION.
29 (b) IC 6-1.1-17.5 and IC 6-1.1-18-6.1, both as added by this act,
30 and IC 6-1.1-18.5-8, IC 6-1.1-20-3.2, IC 6-1.1-20-5.5, and
31 IC 6-1.1-20-9, all as amended by this act, apply only to property
32 taxes for bonds and leases for which the preliminary determination
33 to issue bonds or enter into a lease under:
34 (1) IC 6-1.1-20-3.1(2); or
35 (2) IC 6-1.1-20-5;
36 is made more than thirty (30) days after the effective date of this
37 SECTION.
38 SECTION 99. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Delete everything after the enacting clause and insert:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1007 as introduced.)

CRAWFORD, Chair

Committee Vote: yeas 16, nays 9.

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